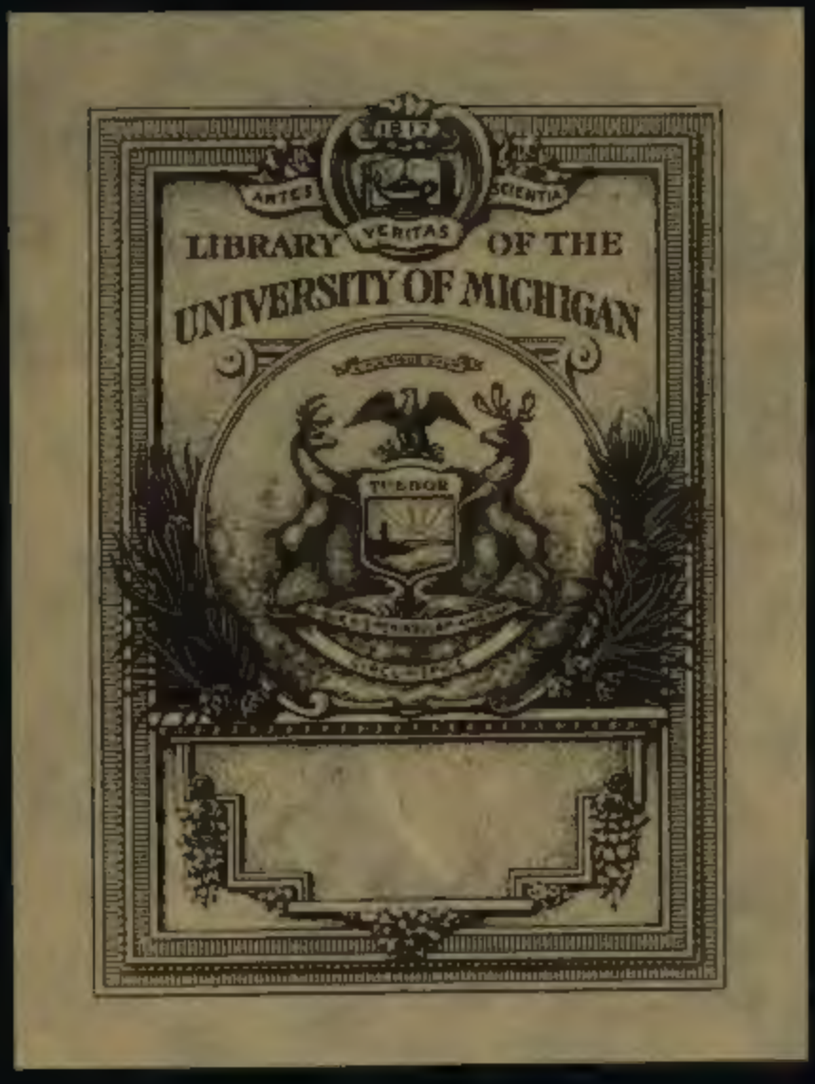
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HISTORY OF NEW ZEALAND.

VOL. II.

HISTORY

OF

NEW ZEALAND.

BY

G. W. RUSDEN.

SECOND EDITION.

IN THREE VOLUMES.

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1861 TO 1863.

NEW ZEALAND.

VOLUME II.

CHAPTER IX.

1852 to 1860.

PROVINCIAL LEGISLATURES.

When Sir G. Grey left New Zealand the government devolved upon Colonel Wynyard (58th Regt.), the senior military officer, under the title of "the officer administering the government." It was deemed advisable that the Provincial Legislatures should meet before the summoning of the General Assembly. Mr. Weld and others thought that a contrary course should have been adopted, and that the powers of the Provincial Councils should have been defined by the General Legislature before the local parliaments were permitted to plume themselves upon their new honours. Sir G. Grey, however, had called the Provincial Councils into existence, and on Colonel Wynyard fell the task of dealing with the larger body. The electors in the provinces chose their leading men as Superintendents. Mr. J. E. Fitzgerald was selected at Canterbury, Mr. E. W. Stafford at Nelson, Colonel Wynyard at Auckland, Dr. Featherston at Wellington, Mr. Brown at Taranaki, and Captain Cargill at Otago.

Mr. Swainson declared (1859) that the Provincial Legislatures ought to have been confined to municipal matters, and made more dependent on the General Legislature.

They plunged into what he called "a mischievous multiplicity and diversity of legislation." In three years they passed more than two hundred Ordinances. Mr. Swainson was the chief adviser of Wynyard, who recommended the General Assembly to enlarge and solidify the powers of the general government.

The General Assembly was convened for despatch of business at Auckland on the Queen's Birthday, 24th May, 1854. Mr. Swainson was Speaker of the Legislative Council. Mr. Charles Clifford was made Speaker of the elected House. Mr. J. E. Fitzgerald and Mr. David Monro moved and seconded the address in reply to the Governor's long and comprehensive speech, which pointed out the dangers which might spring from the Provincial Legislatures, the possible incoherence if not antagonism in their legislation, and the duty of the General Assembly to determine whether New Zealand should "become one great nation or a collection of insignificant, divided, and powerless petty states."

Mr. Weld and his friends complained that Swainson did nothing to remedy the dreaded evils. They professed the same apprehensions. But the Assembly burned to exercise their new power. Their appetite grew by what it fed on. There were also men among them spurred by a noble ambition. The Constitution made no provision for the creation of a responsible ministry. There were to be representative members in the Legislature. But such members existed, and were active in New South Wales in 1843, and as yet responsible government had not been established in Australia. It was to come, but it was to be provided for by special enactment. The one master-mind produced in Australia and exercised in public affairs had already shown how constitutional government could be secured. William C. Wentworth, by persistent labour of years—notably the Report on General Grievances in 1851, and petitions to the Queen and to both Houses of Parliament in the same year—by drafting in 1852 the requisite Imperial enactments; and after Sir John Pakington's concessory despatch of Dec., 1852 (as to Crown lands and minerals, &c.), by drafting anew in 1853 the various needed measures, had laid Australasia under deep obligation.

Other colonies reaped the harvest of his toil; and though the Constitution Act of New Zealand, which Sir John Pakington passed in 1852, did not and could not, without dictation as to local affairs, provide for responsible government in New Zealand, nothing could have been easier than for the New Zealand Parliament of May, 1854, to prepare, under the light already shed upon the subject, a well-considered measure, the passage of which might have been unchecked. But the New Zealand House was eager to obtain something by the quickest, not by the best, means.

There had been, of course, no provision in the Constitution Act for responsible ministers, for the vacation of seats on acceptance of paid office, or for remodelling or reconstituting the Executive Council. The Royal Letters Patent which made that Council consist of certain functionaries had not been modified. But Gibbon Wakefield sat amongst the representatives. He stirred their willing minds to demand responsible government, and on his motion it was resolved that ministerial responsibility should be established without delay.[1] A suggestion that a select committee should be appointed to report upon the subject, found but one supporter. Twenty-five members resisted Mr. O'Brien and Mr. Forsaith, who desired that the Queen should be asked to sanction the lawful introduction of responsible government. The senior military officer stood in the novel position of having to solve political problems, and run the risk of contravening extant laws and instructions. He laid the address before his Executive Councillors, with an opinion from his Attorney-General that he might go so far as to add, under existing instructions, two or three members of the Assembly to the Executive Council, and that body unanimously advised him to do so. Mr. Swainson showed, by reference to the Constitution Act and to the Royal Instructions, that the Governor was not enabled to establish "ministerial responsibility in the conduct of legislative and

[1] A member who asked whether "members appointed to the government" were to seek re-election, was told by Gibbon Wakefield that "there was no existing law providing for the resignation" of seats on acceptance of office. It was equally true that there was no existing law to justify the acceptance of office.

executive proceedings by the Governor." Colonel Wynyard placed in the Executive Council Mr. J. E. Fitzgerald, the member for Lyttelton; Mr. F. A. Weld, member for Wairau; and Mr. H. Sewell, member for Christchurch. Mr. Sinclair, Colonial Secretary, and Mr. Shepherd, Treasurer, were willing to resign on receiving fit retiring allowances. Swainson, the Attorney-General, was willing to retire with or without compensation if the representative of the Crown should think it advantageous for the public interests. The Legislative Council deemed it essential that a responsible member of the government should be chosen from that body, and Wynyard appointed Mr. F. D. Bell, who took his seat on 30th June. When Mr. Bell was called away by urgent affairs, Mr. F. H. Bartley, a lawyer, was appointed to the Legislative and Executive Councils. All the newly-appointed councillors undertook without salary to represent the government in the Legislature, to perform such departmental work as became a concomitant of their legislative duties, and to hold office only so long as they might retain the confidence of the Assembly. Both Houses applauded these arrangements, which were reported to the Secretary of State for approval.

Such hurried changes produced friction in machinery not framed to meet them. The new men found or suspected a want of co-operation on the part of the old, and the representatives began to show uneasiness. Gibbon Wakefield intrigued. Mr. Fitzgerald and his friends sought to smooth all obstacles by obtaining more power. They thought a military Governor would yield to the arguments of civilians. To enable them to conduct the public business they recommended that the existing office-holders should resign, and that the government should be "reconstituted on the ordinary responsible basis." Wynyard laid the document before the Executive Council, and said he was willing to accept the Secretary's resignation (on suitable provisions for his retirement) and to appoint a member of Assembly in his stead. The Secretary had been locally appointed, but the Attorney-General and the Treasurer held Crown appointments, and Wynyard, as temporary administrator, was not prepared to accept their resignations unless authorized to do so by the Secretary of State.

They, offering to resign if called upon, declined to advise as councillors that such a step should be taken. Mr. Fitzgerald, with his colleagues, quitted the Executive Council 2nd Aug., Wynyard having on the 1st declined to coerce his legitimate advisers without "being favoured with the views of the Crown." "I am now called upon (he said) to form an entire new form of government without even a reference to my Sovereign, thus throwing on me during my temporary administration a grave responsibility I am not prepared or disposed to bear." If the Home Government should approve the proposition, not much time would be lost in obtaining its sanction; if it should not approve, it was the more necessary for him to await instructions. The suggestion by the retiring councillors that the Assembly might refuse supplies Wynyard spoke of in a subsequent message to the two legislative bodies (5th Aug.), but he did not allow it to warp him from what he thought his duty. He urged that the establishment of responsible government should be provided for by law. He was ready to consider any such measure favourably. He also urged that some useful practical measures should be passed. Mr. Sewell read to the House of Representatives a narrative of the transactions which, substantially confirming that of Wynyard, caused him to remark to the Duke of Newcastle that it proved "how necessary it was to make the stand I did."[2] The Legislative Council (10th Aug.) concurred with what

[2] 1894.—It is proper to mention that after the publication of this History the author received from one of the actors in the above scenes an elaborate defence of the position taken by Mr. Fitzgerald and his supporters. The writer, disputing certain conclusions, nevertheless said, "You have no doubt done the best you could with the materials at your hand."

He thought Dr. Thomson's book (one of the authorities) necessarily one-sided. Dr. T., a military man, "took his colonel's part." He bitterly impugned Wynyard's and Swainson's conduct as full of duplicity, and as cuttingly condemned Gibbon Wakefield.

The character of the writer stands so high that it is right to record his opinion.

Both sides of the shield must be examined. They differ much, but there appears nothing which would warrant any imputation against Swainson.

As Swainson died after the first edition of this work was published, it would have been painful to be forced by facts to condemn him in the second; and it is grateful to find no occasion to do so.

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promised Wynyard, and it would be perilous to the colony if the Queen's representative should act without advice from the Attorney-General. Wynyard rejoiced at being able to assure them that "throughout the emergency he had enjoyed the unqualified concurrence and support of his constitutional advisers." He begged them (15th Aug.) to consider his former message "with a view of turning the remainder of the already protracted yet fruitless session to some good account for the people of New Zealand." On the 15th the majority in the House, who adopted the style "We, the Commons of New Zealand," said, in a long contentious address, that, dismissing all that was past, they asked for "the immediate establishment of the Executive Government on the basis of complete ministerial responsibility."

Wynyard would not abandon his position, but would earnestly request the Home government to aid in establishing ministerial responsibility. He would, after a brief prorogation, assist in maturing a Bill (to be reserved for the Queen's pleasure) to bring about the required object. He transmitted on the 17th Aug. three messages—one enclosing returns of electoral rolls, another replying to the address of the 16th (No. 32), and a third (No. 33) proroguing the Assembly till the 31st Aug. The bearer stood at the door while the second (No. 32) message was read to the House; and the majority determined to prevent the prorogation message from being received. The reading of the prorogation message was averted until, by irregularly suspending the standing orders, the majority might pass resolutions to stop supplies, and to denounce Gibbon Wakefield. The Speaker (who pronounced at first that the Standing Orders as to dealing with Governor's messages could not be suspended), after heated altercation amongst members, said: "I am in the hands of the House; what-

debate on Colonel Wynyard's message of 5th Aug., G. Wakefield accused Fitzgerald of "detraction" of Wynyard's personal honour. "He used his name; he accused him of falsehood."

Mr. Fitzgerald: "No, no, no; it is you whom I accused."

Mr. Sewell: "It is you." Wakefield (15th Aug.) sneered at "the absurd expression, 'we, the Commons,'" and Fitzgerald retorted, "it is your own." Wakefield "did not recollect having ever used it. In New Zealand there are no Lords and, therefore, no Commons."

ever I might do, the power of overruling that decision is in the House." A division having shown the want of a quorum, the Speaker discovered that in absence of a quorum Standing Orders could not be suspended. Mr. Fitzgerald reminded him of his recent decision that the House could overrule him, and the entrance of some members, and detention of others, procured a quorum. Objecting members were forcibly arrested, and when they attempted to escape by a gallery, Mr. Sewell thought it not unbecoming for an outgoing Executive Councillor to scramble over a railing and lock the door. Mr. Weld was silent. After a time, Mr. Mackay, a member from Nelson, obtained entrance into the Chamber, and threw a copy of the Governor's proclamation on the table. He was assaulted by Sewell and others for keeping his hat on, in which on the assumption that the House was prorogued he thought himself justified. There was a prospect of a rescue by strangers in the gallery. Mr. Fitzgerald moved that Mr. Mackay "be expelled for insulting the House while in session." Mr. Sewell would "vote for the highest possible penalty." Eventually (on Mr. Merriman's motion) Mr. Mackay was "adjudged" (without being heard) "guilty of a gross and premeditated contempt." Though the prorogation was proclaimed in the "Government Gazette," a copy of which was in the Chamber, the members, defunct as a House, affected to go into committee to consider His Excellency's message (No. 32). They declared *inter alia* that the prorogation was "a violation of the rights of the people of New Zealand;" that the Speaker should warn all receivers of revenue against expenditure unsanctioned by the General Assembly or Provincial Councils; that His Excellency be prayed "to remove Mr. E. Gibbon Wakefield from his Councils," and "to remove the present Executive officers, being members of the Executive Council, from their offices;" and that the Speaker, with Messrs. Featherston, Fitzgerald, Brown, Picard, Cutten, King, and Sewell "be a committee during the expected recess" to carry on a campaign, the objects of which were left to be inferred from the brave words of the captains.

Mr. Sewell then moved "that His Excellency's message (No. 33) be now read;" and the Speaker read the message

conveying a copy of the proclamation in the "Gazette" proroguing the General Assembly until the 31st Aug.

Colonel Wynyard magnanimously abstained from exposing the actors in a scene which made the New Zealand representatives a by-word for a time in Australia.

Two days after the struggle in the House, Gibbon Wakefield found his position untenable. An adviser without responsibility, conscious that the affronted Assembly would not subject itself to his guidance, he saw that the Acting-Governor shrank from committing himself to it. He sought Swainson on the 19th August, and reasoned for two hours. He recorded the interview. He described Swainson's "masterly command of the conversation by means of the highest diplomatic ability." Swainson approved of Fabian tactics until events might show in what way the Acting-Governor ought to act. Meanwhile, though to this he did not pledge himself, Colonel Wynyard might govern under the old forms until the Home government should instruct him. Throughout the long interview each felt that much in his thoughts must remain unspoken. Each watched the other. But Swainson's goal was duty, not ambition, and the light he walked by was not deceitful. It seemed to Wakefield that Swainson had "two distinct policies" in his thoughts. Mr. Weld said afterwards that he had but the one policy of "not committing himself." Wakefield retired from his anomalous position. The doors of the Assembly were closed, but the keys of the Treasury had not been taken from the government. The existing law gave power to apply the revenue to the public service. Thus master of the situation, the government ascertained that the Assembly, if convened for business on the day to which it had been prorogued, would devote itself to practical legislation and grant supplies.

A final attempt was made to introduce the responsible element when the Houses reassembled on the 31st Aug. Mr. T. S. Forsaith of Auckland, Mr. E. J. Wakefield of Canterbury, Mr. Travers of Nelson, and Mr. Macandrew of Otago, were appointed Executive Councillors on the 31st Aug. on the understanding that they would resign if they should "fail to carry with them the support and confidence of the Houses of Assembly"—a new Governor should

arrive—or the Constitution be changed. They were also to identify themselves with a policy to be sent by Wynyard to the Houses. He proposed to introduce a bill to establish ministerial responsibility, and to reserve it for the Queen's decision; to deal in like manner with bills empowering the General Assembly to transfer to the Provincial Legislatures its own powers with regard to waste lands; and to bestow an elective character on the Legislative Council. Other measures were announced, and it was stated that until the fate of the Land Bill should be decided, Wynyard would use his authority in setting apart not less than one-third of the waste lands in each province to encourage *bonâ fide* occupation, allowing rebate of passage money to settlers, and giving time for payment, but holding back titles to land "for a reasonable time." The Council decorously thanked Wynyard for his speech. The "Commons of New Zealand" no longer threatened to stop supplies if their desire for responsible government should not be gratified, but carried an amendment on the address which compelled Mr. Forsaith and his friends to retire two days after accepting office. The address, passed by 22 votes against 11, condemned "a mixed executive" as utterly bad. Some members wished to return to their homes, and all were willing to vote supplies, trusting that Wynyard and the Home government would enfranchise them speedily. They adopted (2nd Sept.) an address to the Queen, praying that the necessary law for establishing responsible government might be assented to. A fortnight afterwards thirteen Bills had been passed, and the Assembly was prorogued until the 5th July, 1855. A Waste Lands Act confirmed existing regulations, and enabled Superintendents and Provincial Councils to recommend to the Governor any regulations for sale, letting, disposal, and occupation of Crown lands, proclamation by the Governor being sufficient to give them effect. A provincial Waste Lands Act declared it expedient that in each province there should be local control over waste lands, and provided that, subject to the Constitution Act, it should be lawful for the General Assembly to empower Superintendents and Provincial Councils to make laws to regulate the lands. The administration of revenue from lands was relegated to the Superintendents and Pro-

vincial Councils. The Act was not to be operative until the royal assent should be notified. By a despatch (15th April, 1855) that assent was conveyed.

A sense of duty to his Queen had preserved Wynyard from disgrace as it has preserved many English soldiers, who make no such pretensions as were made by the civilians gathered at Auckland in 1854. Swainson was wise enough to avoid error, and firm as a rock to duty, though ready to sacrifice his personal claims. Until he displayed his shortcomings in the New Zealand Parliament it might have been expected that the Governor could find wisdom in Gibbon Wakefield, but no one proposed that Wakefield should be minister himself; and an ambiguous position commands little regard. Mr. Weld, in an address to the electors of the Wairau (Nov., 1854), bitterly complained that Gibbon Wakefield had insidiously at first, and afterwards openly, devoted his "great fund of information and his activity and energy" to thwarting the "responsible-government party." Mr. Carleton denounced Wakefield in the House with unmeasured scorn, and Wakefield's reply was feeble.

A constitutional question between the two Houses was mooted, but not discussed. The Appropriation Bill reached the Council on the 15th Sept. The Assembly was to be prorogued on the 16th. There was in the Constitution Act no restriction upon the Council as to the right to amend Money Bills, but it was understood that the Assembly would dispute it. The Council, to avert conflict, though they amended the Bill in a manner accepted by the Lower House, requested Wynyard to obtain an authoritative decision from England as to their constitutional powers. He applied for it, but the Duke of Newcastle did not answer his despatches. Overtasked by duty and the anxieties of the Crimean war, he had handed over the Colonial Office to Sir George Grey,[4] who had in former years been Under-Secretary there. The new Secretary answered in one letter (8th Dec.) six of Wynyard's despatches, which contained the careful opinion of Swainson on the changes which Wynyard was asked to make. Appealed to by a senior military officer accidentally confronted by constitutional problems, Sir George Grey

[4] The prevalence of the name "Grey" in colonial affairs was confusing even to colonists, and to the Maoris must have been perplexing.

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Duke of Newcastle, the Duke of Argyll, Mr. Gladstone, and Sir William Molesworth)—Sir G. Grey penned a despatch which was the first step to the abandonment by the Crown of the duties solemnly undertaken in the treaty of Waitangi and renewed in the Constitution Act of 1852. He paid no heed to Swainson's opinion. He took "the earliest opportunity" to state that Her Majesty's Government had "no objection whatever to offer to the establishment of the system known as responsible government in New Zealand." No legislation would be required. The Imperial Government had no "desire to propose terms or lay down restrictions . . . except that of which the necessity appeared to be fully recognised by the General Assembly, namely, the making provision for certain officers who have accepted offices on the equitable understanding of their permanence." On this understanding there would be "no occasion for further reference to the Home government," before carrying into effect the proposed changes and "satisfying the wishes of the community." Rightly, indeed, did he desire to observe good faith in smaller things, but the weightier matters of the law,—judgment, mercy, and faith,—he discarded. He said not a word about the Maoris and their Queen, and his despatch was gloated over by those who had hardly dared to hope that the rapacity of the New Zealand Company's settlers would be pandered to by command of the Imperial Government,[6] while Mr. Gladstone was a member of the Cabinet.

Sir G. Grey furnished no advice to the soldier-governor as to the introduction of responsible government. "It rested on no written law," he said, "but on usage in England." He did not apply to New Zealand the English "usage" that a member accepting office vacated his seat in the elected House. Unless there were "local laws" (in New Zealand)

[6] Though Mr. Gladstone became technically an accomplice in Sir G. Grey's despatch, in 1854, it must not be forgotten that while he followed his great master, Peel, he wrote to the Governor of New Zealand (1846): "I conceive it to be an undoubted maxim that the Crown should stand in all matters between the colonists and the natives . . . the most natural and obvious mode of providing for our relations with the native tribes would be to reserve to the Crown a very large share of authority, real as well as nominal, active and not merely dormant in that department of the functions of the Colonial Government" (P. P. 1846, vol. xxix.).

"which would be repugnant to the new system, legislation seems uncalled for except for the very simple purpose of securing their pensions to retiring officers." Nevertheless, he was glad that the "ordinary and most satisfactory course of referring the question of responsible government to Her Majesty for complete adjustment had been adopted." He said that to make the Legislative Council elective was beyond the power of the General Assembly. A new governor would shortly proceed to New Zealand armed with the wisdom of the Colonial Office; and meantime Wynyard was to "act on the present instructions." On the constitutional right of the Legislative Council to alter Money Bills, Sir G. Grey gave an opinion in 1855. Although the Constitution Act was silent on the point, he thought the English analogy ought to prevail, the reason being that the Upper House was not elected by the people. Thus the loose phrases of a casual Secretary of State were put forward as substitutes for constitutional enactments.

Before he was relieved, Wynyard displayed prudence of which his successor was found incapable. Rapacity of some settlers at Taranaki induced certain Maoris to resolve to sell no land to Europeans.

When Governor Fitzroy disallowed Spain's award in 1844, he vainly endeavoured to purchase from a chief named Katatore two blocks, viz., the Mangoraka and Waiongona, and afterwards offered to some of the settlers (who had been improperly located by the Company on native lands) allotments in other parts of the colony. The settlers, unwilling to believe that they would in the end fail to embroil their country and wrest the coveted lands from the Maori owners, were loth to depart. Like their unprincipled representatives in London, they hoped that the eye of the law would not scrutinize their position. The treaty of Waitangi was by them no more regarded than by Mr. Somes. The Taranaki creed was as bold and false as his. The pretences of some were accepted as truth by others. In what purports to be a history it has been recorded that "there are strong grounds for believing that the company's claims ought never to have been brought into Mr. Spain's court."[7]

[7] "The History of Taranaki." B. Wells. New Zealand, 1878.

The company's local agent, Wicksteed, was in such pecuniary straits in 1844 that he accepted terms which he represented to his principal as unjustifiable.

The block allotted by Fitzroy was occupied. Settlers were removed from all native lands except such as might be parted with fairly by their owners. Fitzroy arranged that the native reserves within the European block should be placed at the Company's disposal; the Crown right of pre-emption was waived in favour of the Company over a circumjacent tract of about 60,000 acres; and the Crown was pledged to advance funds from time to time (on security) to enable the company to buy lands therein. Wicksteed had no money, and Fitzroy accepted for the government certain boats and stores for which he paid £382. The needy company only paid their own labourers by means of the government dole. Some of the settlers remained on sufferance at the Puketapu block, but eventually retired, or were driven to the Fitzroy block.

To this state of affairs succeeded Governor Grey's endeavour to supersede Fitzroy's decision, under Mr. Gladstone's instruction, that it was "hardly probable" that that decision was "wise and just." How D. McLean prevaricated with Te Rangitake in striving to please Governor Grey, who, in order to please others, prevaricated with justice and violated the pledges of Fitzroy, and of the Queen, has been told already. A letter from McLean in Oct., 1849, summed up his doings thus:—The existing conveyances were: No. 1, Nov., 1844, of the Fitzroy block; No. 2, May, 1848, of a block (about 4000 acres bought for less than £200) at Tataraimaka; No. 3, Aug., 1847, of the Omata block, of 12,000 acres: No. 4, Oct., 1847, of residents' rights in the Grey block, of 9770 acres; No. 5, April, 1848, of rights of certain absentee Ngatiawas at Wellington and Cook's Strait in the Fitzroy and Grey blocks respectively; No. 6, by certain Puketapu natives, conveying lands occupied by a settler near the Hua; No. 7, Nov., 1848, of 1500 acres by Puketapu natives.

All these deeds left untouched the coveted lands at the Waitara, the abode of Te Rangitake. The gradual extension of rights of Europeans sharpened their appetites, and led to what McLean called an anti-land-selling league. Archdeacon

Hadfield, however, wrote (Oct., 1860) "There is no such league, and there never has been any such league." Katatore led the majority, who opposed sales. Rawiri headed the malcontent minority. Maori common rights forbade a sale while any dissentient remained; but evil seemed good to some eyes. Yielding to the popular ethics, one Cooper, Land Commissioner, in 1854, accepted an offer made by Rawiri to sell land. The probable result was not more doubtful than the intention to bring it about. Rawiri went with an armed force to mark the boundaries. Katatore warned him to stay his hand. To signify his determination he sent Rawiri a gun to defend himself with, saying he would fight to the death rather than part with his rights. Rawiri persisted. Katatore fired one shot in the air and another into the ground, as a final signal that he would fight. If Rawiri's men had then sat down there would have been peace, but they rushed to battle. Katatore shot Paora and Rawiri as they advanced. Six fell, and more were wounded. The settlers, considering that the wounded Rawiri was serving their cause when he fell, removed him to the hospital, but he died after three days. The Maoris prepared for further strife amongst themselves, and the settlers invited the Acting-Governor, Wynyard, to "execute the law against the murderers."[8] Donald McLean, Native Secretary, reported (27th Jan., 1855) that "Katatore had long ago stated his intention of retaining this land, and had threatened to oppose anyone who should offer to sell it. Rawiri, however, on account of some quarrel with Katatore, proposed selling the land, and was directed by Mr. Cooper to cut the boundary." Major Nugent dissuaded the Government from interfering on behalf of Rawiri.

The narratives of the combatants agreed as to the facts, and Wynyard declined to proceed against Katatore in the manner required. Arama Karaka took up Rawiri's quarrel, and there was further homicide. The immediate provocation was an act of adultery. The aggrieved husband, Ihaia, a friend of Rawiri, directed a young man to shoot the offender, and was obeyed. There was more fighting and loss of life. Strife threatened to become chronic; and, to

[8] "The History of Taranaki." B. Wells. New Zealand, 1878.

protect the settlers, Wynyard sent troops and guns to Taranaki. Ihaia's pah was captured, and the destruction of his friends was only averted by the arrival of Arama Karaka, and by friendly settlers who supplied ammunition. Thus early did the settlers make common cause with Ihaia and his friends, through whose agency they were to bring about the great war of 1860, and the greater war, its resultant, in 1863.[9]

Wynyard visited Taranaki, and strove to make peace. He reported that there were several causes of quarrel: Rawiri's death at the hand of Katatore, the enemy of land-selling; the seduction of Ihaia's wife; the killing of the seducer, and insults offered by Ihaia to the bodies of men slain in fight. Ihaia had disinterred and fired shots at the dead. Arama Karaka told Wynyard that he would fight, and that as the quarrels had nothing to do with Europeans, they should be directed not to interfere. Wynyard wrote that the feud "must be watched with care, as the connection of the contending tribes extends far north and south, and may, if neglected, sooner or later lead to a state of things such as Sir G. Grey prognosticated when applying for pensioners to be 'located' at Taranaki." He wrote, however, to Te Rangitake, urging him to prevent molestation of the English. The chief responded: "Yes, our father, we will guard against all evil to the Pakeha . . . I will go into the midst of them, and the evil shall fall on me." But Te Rangitake was to discover that amongst those whom he was prepared to protect there were intriguers against himself.

When Major Nugent (58th Regt.) arrived at Taranaki in August, 1855, the presence of his military force caused suggestions that Te Rangitake should be driven from the Waitara. A Wesleyan missionary, Mr. Turton, sympathized with Rawiri's friends. In July, 1855, Mr. Turton wrote to the Maoris at Waikato, urging them "to arise and come" to aid Rawiri's friends. Te Rangitake, as a member of the

[9] A petition from the Provincial Council at Taranaki (hostile to Katatore and Te Rangitake) admitted in May, 1858, that "the mass of the settlers were known to sympathize with (Ihaia and others), and many of them were supplying the besieged with the munitions of war." N. Z. P. P., 1860, E. No. 2. p. 29.

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[illegible] the [illegible] the [illegible] they [illegible] the [illegible] the [illegible] with [illegible] commissioner, [illegible] interest in [illegible] troops were [illegible] When [illegible] the need of [illegible] representatives declined [illegible] the erection of barracks, [illegible] constitutional control over [illegible] not yet been conceded to

the legislature." Under these circumstances Wynyard applied to the military authorities, "in order that the charges already incurred might be as soon as possible transferred from the estimates of the colony."

Bishop Selwyn's presence was occasioned by Wynyard's request that influence might be exerted to stay bloodshed. Prompt as of old, the Bishop, with Archdeacon Abraham, and a Maori clergyman, Rota Waitoa, travelled overland on foot. The Archdeacon described their reception. "Te Rangitake's fine handsome face, and iron-grey hair, and his giant form of six feet three inches, with breadth in proportion, certainly gave one the idea of a warrior chieftain."[10] At daylight he paid salutations at the Bishop's tent, and breakfasted with him. The Bishop proceeded afterwards to Katatore's pah, where about a hundred men sat down to hear the visitor. Katatore, a small "cunning-looking" man, told his story. When he described the shooting of Rawiri, the Bishop interjected, "So, then, you killed an unarmed man[11] in cold blood for the matter of land?"—"Yes." "Then you repeated the act of Cain towards Abel, and, in the sight of God and man, are a murderer." Katatore started up in wrath, but the Bishop repeated his words, and Katatore, muttering ominously, left the assemblage, which appeared more attentive to the Bishop than to him. This was on the 15th Aug. Rangitakę "did not wish to take part in the quarrel between Katatore and Arama Karaka," but the latter had lately encroached and aroused suspicions as to his intention to "sell land to the Pakeha." On the 31st, at a meeting where Major Nugent was present, an oration by the Bishop concluding with a quotation from a Maori poet seemed to win the Maori hearts, which had been already pacified by a letter from Wynyard to Te Rangitake, promising that the government would not interfere in inter-tribal quarrels.

The Taranaki settlers were furious against the Bishop. A newspaper (22nd Aug.) railed at him in these terms:

[10] Journal of a Walk with the Bishop of New Zealand from Auckland to Taranaki; August, 1855.

[11] This description of Rawiri's death somewhat differs from the official account. The Bishop probably refused to allow that Katatore's previous warning to Rawiri diminished the crime.

"Bishop Selwyn is again lending his blighting influence to New Zealand—has again taken the murderer by the hand, as he did the perpetrators of the Wairau massacre—a murderer who is without the excuse of those at Wairau, viz., that of being first fired upon. . . . It is reserved for the Bishop to use his undoubted influence to shield notorious criminals from justice, when those criminals appeal to his sympathies through the medium of a dark skin."

The Bishop did not answer these attacks directly; but in a pastoral letter to the members of his church at Taranaki, he wrote that he had not spoken of the murder of Rawiri except

"to condemn it in the strongest language, even in the presence of the murderer. . . . It is strange indeed that your advisers in the local newspapers, who dwell so much upon the sixth commandment, should forget altogether that the same law has said, 'Thou shalt not covet.' They may disguise it to their own consciences, but it is my duty, as a minister of the law and of the gospel, to lift up my voice against the publication of opinions which would lead on to the sin of murder as the direct consequence of the sin of covetousness. I offer to my countrymen my best assistance and influence with the native people in all their just and lawful desires, but I have no fellowship with covetousness, which Ahab found to be the first step to blood-guiltiness. . . . I cannot remain silent while opinions are being expressed, which if you prove to be the stronger would destroy the New Zealanders, or if you be found the weaker, would destroy yourselves."

The Maoris at Taranaki had sold 30,000 acres at tenpence an acre. "Nothing is more easy than to extinguish the native title; nothing will be more difficult than to extinguish a native war." Te Rangitake, he was confident, had no ill-will to the English, and ought not to be "forced into a position of hostility by their suspicions and their threats." He would urge the Maoris to sell land amicably, but he would resist by all lawful means every attempt to carry out any other interpretation of the treaty of Waitangi than that in which it was explained to the natives by Governor Hobson, and understood and accepted by them." The Bishop's words were good; but so long as he might assert the claims of justice, so long would he have enemies among men quartered upon Taranaki by the frauds of the New Zealand Company and the folly of Lord J. Russell, in defiance of the sagacity and resolution of Gipps, and the honesty of Hobson.

A new Governor, Colonel Thomas Gore Browne, assumed office in Sept., 1855, and visited Taranaki forthwith. He had previously written that the colony would suffer if Major Nugent should be withdrawn with departing troops. That officer knew the Maori language, and to him was due the satisfactory condition of Taranaki. Colonel Browne promptly pledged himself to act honourably towards the Maoris. He wrote (20th Sept., 1855) to Lord J. Russell: "Different despatches will have satisfied your Lordship that I have given the strongest assurances of protection in all their rights to the Maoris, and that I have declared my determination neither to interfere in native questions, nor to permit the purchase of lands until the owners are united in desiring to sell them, and have agreed upon the terms." He held a *levée* at Taranaki (Oct., 1855), but neither Katatore nor Te Rangitake attended it. The native feud still raged. The Governor directed that militia should be embodied, but at the earnest request of local civilians did not reduce the military garrison. He wrote that the strife between the followers of Katatore and his opponents had been injudiciously aggravated by a Wesleyan missionary, a friend of Rawiri. He also "disapproved of the conduct of Cooper, the sub-commissioner, in commencing a survey of land before he was assured that all who had even a disputed title desired it should be sold." It would have been well if he had continued in such a frame of mind. A careful letter from the Rev. J. F. Riemenschneider (Wesleyan missionary) ought to have warned him of the thorns on which he stood. It proved that even in 1855 the Ngatiruanui and Taranaki tribes foresaw the course of events; and it is melancholy to think that their suspicions were confirmed by the conduct of Colonel Browne. Mr. Riemenschneider apprised him that the Taranaki natives as well as Te Rangitake's own tribe, the Ngatiawa, looked upon that chief as "the real and true chief of Waitara." Neither the efforts of Mr. Riemenschneider, nor the joint labours of Major Nugent and Donald McLean, could allay the feud between Katatore and Arama Karaka. Waka Nene, the Ngapuhi chief, advised in vain. He suggested that Katatore should cede land to the relatives of Rawiri as reparation for his loss. Te Puni, from Wellington, who was also on the spot, failed

similarly, although, as a Ngatiawa chief, he might have been expected to exert some influence. The Wanganui chief, Hori Kingi te Anaua, ever friendly to the settlers, wrote that his people would take no part in any quarrel at Taranaki. No dissuasions prevailed. Colonel Browne wrote (Nov., 1855): "The native feud appears to me to be much in the same condition as before."

Mr. Turton, the Wesleyan missionary (Browne wrote), had, by letters in newspapers and privately, not only "revived the old suspicion that the Europeans would not rest till they had slain and taken possession of that which the Maoris liken to Naboth's vineyard,"—but, emulous of an affray like that at the Wairau, had endeavoured to "bring Rawiri's widow to swear to the murder (of her husband) before the resident magistrate. This was prevented by Major Nugent, who inquired whether the magistrate intended issuing a warrant for the murderer, and, if so, whether he had the means of enforcing it, adding that his own instructions forbade him acting in any manner not necessary for the maintenance of peace and tranquillity within the European part of the province."

Thus was Colonel Browne warned of the condition of the district; and it might have been hoped that a surrender to those whose evil designs he understood in 1855 would be the one course which could not be expected from him. Yet it was the course into which in less than four years he was seduced, when he had by his side as Native Minister the man whom in 1855 he found clerk to the Provincial Council and Provincial Attorney at Taranaki—Mr. Christopher William Richmond. Eventually, in 1856, after loss of life, a truce was made by Maori persuasion. The warfare had incommoded, but did not include, the settlers. For months the Bell block and the Puketapu district were disturbed by bands of Maoris going gaily to shoot their enemies morning after morning. Bands of the Ngatiruanui, aided by Katatore and patronized by Te Rangitake, annoyed Arama Karaka, Ihaia, and their friends; and though no settlers were injured, skirmishes took place near their homesteads. It was a relief to all when the land had rest in 1856. The military officer in charge, the Governor, and Colonel Wynyard reported

that the peace was definitive, and the Colonial Office congratulated Colonel Browne on the prudent measures adopted and on their satisfactory result.[12]

It is time to recur to the general condition of the colony. An earthquake early in 1855 added terrors to the difficulties of colonization. Felt even at Auckland and Otago, it was, like its predecessor of 1848, most severe on each side of Cook's Strait. White Island had a bad pre-eminence; a fresh cone rose from Tongariro; and some settlers doubted whether colonization was desirable at the risks surrounding it in New Zealand. But crowds cannot yield to impulses which require months to ripen them into action. The sale of landed property, the gathering of household chattels, the disruption of existing ties, are always painful; and to find purchasers would have been almost impossible if the necessity to sell were felt to arise from the dangers of residence.

While administering the government, Wynyard summoned the General Assembly in Aug., 1855, but only the members from Auckland and Taranaki attended in strength. Two from Nelson, two from Wellington, and Mr. Sewell from Canterbury, represented their constituents, and heard Wynyard declare that the home government offered no objection to the responsible government so hotly pursued in 1854. Pensions were to be provided for the Colonial Secretary, the Attorney-General, and the Treasurer, but Downing-street dispensed with legislation in introducing responsible government, and in anticipation of passing estimates and a Pension Bill, Wynyard declared his intention to dissolve the elected House, so that from their successors a responsible ministry might be created. The members declined to advise on the disturbed state of Taranaki, pleading that constitutional control had not yet been conceded to them. They selected Mr. Sewell as their leader, under whose guidance they declined to pass a Pensions Bill, on the ground that it was improper to pay a price before receiving what they wanted to buy. They passed only three Bills besides the Appropriation Bill, and the new Governor, a soldier in Afghanistan in 1842, arrived

[12] P. P. vols. xlvi. and xlvii., pp. 431 and 316.

in time to assent to Bills, and to dissolve the House (15th Sept.) announcing that he intended to govern through responsible advisers, and would maintain inviolate the right of the Maoris to their land. He reported that a dissolution was recommended by his advisers as "almost imperative in consequence of the number of seats vacated —fifteen." It was inconvenient for colonists to sail from southern homes to Auckland, and legislation was only possible by friendly compromise, for of the remaining members it was only necessary for a few to quit the Chamber in order to destroy a quorum.[13] The Governor conferred with Maori chiefs, and Waka Nene told him that they wished New Zealand to remain under English laws. "These were my words to the first Governor, and they continue unchanged up to the present time."[14] Colonel Browne reported that the Maoris did not view the General Assembly very favourably, partly because they did not understand its powers, and partly because they believed it to be less scrupulous than the Queen's representative in obtaining land. He required more soldiers. Wynyard agreed with him. At least 1600 were wanted, and a man-of-war must be on the coast. After reporting thus, the Governor made a tour, and found signs of prosperity from the Bay of Islands to Otago. The general revenue was elastic; that derived from land sales was steady.

On the 15th of April the Governor convened the General Assembly at Auckland. Swainson was absent, and Whitaker was Speaker of the Council. Gibbon Wakefield, being ill, was absent. The same Speaker of the House was chosen (Clifford). The Governor asked Mr. Sewell to form a ministry. Mr. Fitzgerald and Mr. Weld were not

[13] The Speaker (Clifford) had changed his opinion as to his duty in the reported absence of a quorum. On the 17th Aug., 1854, he had permitted unruly debates, and nominal transaction of business. On 21st Aug., 1855, "on the division lists being handed to the Speaker, it was found that there was not a quorum in the House. Mr. Speaker accordingly quitted the chair, and the House stood prorogued."—"N.Z. Hansard."

[14] One address said: . . . "The first Governor was Captain Hobson. He died, and his grave is with us. That is satisfactory. The second was Governor Fitzroy . . . he is gone, and our hearts long after him. That is unsatisfactory . . . great is our dissatisfaction at this system of recalling Governors. . . . Are you to be permanent Governor till the day of your death?" P. P., 1860, vol. xlvi.

at Auckland. Mr. Sewell associated with himself Messrs. F. Whitaker, F. D. Bell, and H. J. Tancred. They were to assume office on the passing of a Bill pensioning Sinclair, Swainson, and Shepherd. On imperial subjects, including relations with the Maori race, the Governor was to hear his advisers, reserving power to act on his own opinion pending a reference to England. On all matters under control of the Assembly he would be guided by advice, whether agreeing with it or not. These terms, with certain interpretations, were agreed to. Mr. Sewell explained the position to the House, approving the reservation of Maori questions, because they involved peace or war. The Pensions Bill was vigorously debated, but was assented to on the 7th May, and on the same day Mr. Sewell became Colonial Secretary; Mr. F. Whitaker, Attorney-General; and Mr. F. D. Bell, Treasurer.

On the threshold of office the new minister met a difficulty which distracted the colony for a generation. He was called a Centralist, or an advocate of united government. He was opposed by Provincialists, or champions of provincial rights, amongst whom Dr. Featherston, the Provincial Superintendent of Wellington, was conspicuous. After an adverse vote, carried by Dr. Campbell, of Auckland, early in May, Mr. Sewell tendered his resignation; and Dr. Campbell and Dr. Featherston, successively applied to by the Governor, declined to take office. Mr. Sewell was then encountered by Mr. Fox, who carried resolutions (14th May), long celebrated as "the compact of 1856."

Each province was to retain not less than two-thirds of its net Customs revenues, and while so retaining them should hand to the Central Treasury only half-a-crown for each acre of land sold within it. The control of the General Assembly over provincial legislation was neither to be "extended nor limited." Mr. Sewell resigned on the 15th, recommending that Mr. Stafford should be consulted by the Governor. Stafford, who had voted with Sewell against Fox, failed to form a ministry, and Fox assumed chief responsibility (20th May, 1856) as Attorney-General. He intended after a short session to prorogue, in order to mature measures for the session of 1857. His associates were Messrs. Hall, Brown, and Daldy in the House, and Mr.

[illegible] Council. But the House gave him short [illegible] Stafford had moved a vote of want of [illegible] members had appeared on the scene [illegible] Sewell, and though only in [illegible] was carried at once. The resolu- [illegible] before taking office were not [illegible] with his seal, and he warned the House [illegible] he never again took office it would be as [illegible] "ultra-provincial policy"—not [illegible] confession in Parliament of conversion [illegible] On the 2nd June the Governor pro- [illegible] consisting of Mr. E. W. Stafford, Mr. [illegible] Attorney-General, and Mr. C. W. Richmond as [illegible] Secretary. Mr. Stafford became an executive [illegible] but did not accept an office of profit until the [illegible] November. The three members who held offices [illegible] were practising lawyers. Mr. E. L. Campbell, [illegible] Richmond, was a minister without office. Mr. [illegible] Treasurer, and proposed a Loan Bill. [illegible] £300,000 were to be raised as a charge on the general [illegible] to be borrowed as the funds of the Treasury might [illegible] with £300,000 to discharge the [illegible] Company, and repay such sums as the [illegible] had paid towards its liquidation: [illegible] £50,000 to pay any public debt due on the 1st [illegible] and with £150,000 to extinguish the rights [illegible] Northern Island. The lands were to be [illegible] sold, and, in the spirit of Fox's "compact [illegible] and was to be provincial revenue.

[illegible] 7th Aug.) had the reputation of securing [illegible] in their positions. Thirty-five other [illegible] A Waste Lands Act was the most [illegible] Superintendents and Provincial Councils might [illegible] the bills being "reserved for the signi- [illegible] Governor's pleasure." The Governor might, [illegible] all promises he had made, and could [illegible] land required for military defence, roads,

[illegible] in which responsible government had been forged [illegible] exempted members from the British constitu- [illegible] according to constituencies on assuming office, and thus [illegible] changes by extra-mural intrigues.

or public buildings; and no land acquired from the Maoris after the passing of the Act could be offered for sale till the Governor had proclaimed that the native title was extinguished. A Native Reserves Bill vexed the Governor and his advisers. As introduced, it preserved his position of freedom. A clause (18th), added subsequently, provided that every act done under it should be "only with the advice and consent of the Executive Council." Either the astuteness of the Attorney-General and Mr. Richmond thus early developed itself in weaving nets to entrap the Governor and make him a co-agent in defrauding the Maoris, or the possession of power had warped the minds of the ministry, and they cast behind them their pledge that on native questions the Governor should be free from their control. Reluctantly the Governor consented to the addition of the clause. When it reached the Legislative Council it was seen to be in danger. Major Richmond, who had been Superintendent of New Munster, was in the Council, and with three others protested against the passing of the Bill. They forwarded their protest to the Governor with an address, declaring that they viewed with apprehension the future relations with the Maoris, "seeing that the first act of legislation presented to us upon native affairs is, in our opinion, a direct violation of the arrangement made with your Excellency and your responsible advisers upon your granting responsible government; in contravention of the Royal Instructions; and an infringement of the Constitution Act." They pointed out that the obnoxious clause had only been carried in the Council by the Speaker's casting vote. They might have added that the Attorney-General had affronted them by asserting that the subject "was not a native question." The ministry, through the Colonial Secretary (Mr. C. W. Richmond) adhered to their position. They averred, illogically, "that they had no desire to trespass on the rule" respecting native affairs. The House of Representatives was unanimous, and it was improper for a minority in the Council to arrest the measure. The ministry "strongly advised" the Governor to "assent to the Bill, and not to reserve it for the signification of Her Majesty's pleasure."

In a weak moment the Governor offered to assent to the

Bill, on the understanding that the protest, address, and the minute of his advisers should be forwarded to England with the Bill. The offer was "respectfully accepted" by his advisers. Mr. Labouchere, the Secretary of State, vied with the Governor in ineptitude. He saw that the clause was certainly opposed to the principle on which it had been agreed that native affairs should be managed; but in the hope that the Governor would be able to make opposite principles harmonize, the assent given by the Governor would not be over-ruled. The danger invited by such a ruling was swift to come. The body which makes one unlawful stride to power will make another, not the less surely because in the first instance it protested that it "had no desire to trespass" on the rule of right. Mr. Swainson, in a work published in 1859, uttered forebodings as to the injustice of leaving the Governor responsible for native affairs without providing him with means. Another New Zealand legislator (Mr. Cracroft Wilson) once bluntly declared that it was a mad thing to confer such a government on a country, where all the landed gentry were savages, and most of them cannibals. A friend of Stafford's government boasted that the Native Reserves Act was an important step to "extricate the Maoris from tribal barbarism." It was, in fact, an impeachment of their guaranteed rights, and well known so to be by its framers. A Land Claims Settlement Act was passed after a report upon it by a select committee. Without comment upon its principles, Colonel Browne sent the Act and the report to England, and the Secretary of State was as succinct in announcing the Queen's approval. Land Claims Commissioners were to be empowered to deal with all claims arising before or after the establishment of British sovereignty in the colony, under the limitation that any claim not notified to the Government before the passing of the Act should not be entertained. Claims already made were to lapse if not brought under the Act within two years. The undecided residues of old land claims (anterior to 1840), of pre-emption waiver claims, ten shillings an acre proclamation claims, and penny an acre claims, were to be finally settled by a Commission, which was to have the power of a Court of Record, and to sit in public.

The remaining Acts of the session need not be expatiated upon. Nevertheless, as indications of the points which the first responsible ministry thought it necessary to deal with, the subjects deserve brief mention. Much time was consumed in discussing the livery to be worn by the doorkeepers in the Chamber. Privilege of Parliament; increase of the Governor's salary; winding up of the New Zealand Bank of Issue; adoption of certain English statutes relating to evidence and to the law of debtor and creditor; Savings' Bank and Trust Acts; extension of powers of Provincial Councils, so that they might deal with cases not exceeding £20, and with penalties of £100 or six months' imprisonment; Marriage; Customs laws; Supreme Court procedure; division into counties; Friendly Societies; local postage; giving Scotch law practitioners power to practise in New Zealand courts; giving validity to certain provincial laws, land orders and scrip, were the staple of the session's labours. The last Act defined the extent to which old land orders were to be available. An order of the defunct New Zealand Company for fifty acres at New Plymouth, gave priority to the holder of lands declared open for purchase, to extent of one acre of town, twelve and a-half of suburban, and fifty acres of rural land, at the holder's option. There were undisposed of, in Auckland, 219,000 acres; Wellington, 3,000,000 acres; Taranaki (New Plymouth), 25,000 acres; Nelson, 14,000,000 acres; Canterbury, 9,000,000 acres; Otago, 15,000,000 acres.

The second reading of a Native Offenders Bill, introduced by Mr. Stafford in July, was carried by 13 votes against 7, after vigorous denunciation by Mr. Daldy and Mr. Fox. Mr. Fox said that it blew "Magna Charta to the winds, put the Bill of Rights in the fire, and tore to fragments the British constitution." It was referred, on the motion of Mr. Sewell, to a select committee, which reported that the unusual powers embodied in the Bill were not demanded by past events, but that in a modified form it might be expedient to enable the Governor, with advice of his Council, to test the proposed plan of proscribing districts in which native offenders might be harboured. Donald McLean and many Maori chiefs gave evidence before the committee. When Sewell moved the committal of the Bill, Fox carried an

amendment for an address to the Governor, and the Bill was eventually dropped. Soon afterwards, resolutions were passed which recommended that the ministry should devise schemes for governing the Maoris, and that all departments should be under control of responsible ministers, subject to the rule that the Governor need not act on advice tendered upon Maori affairs. It would seem that the Governor had qualms with regard to native affairs when sanctioning the 18th clause of the Native Reserves Bill. Within a week he issued circulars (31st July, 1856) to Colonel Wynyard, Major Richmond, Major Nugent (58th Reg.); Mr. Busby, the first British Resident; Baron de Thierry; to Mr. F. E. Maning;[16] to other old settlers; to the Bishop of New Zealand; to missionaries, many of whom had been on the spot more than twenty years; and to Mr. D. McLean. 1. Could the management of native affairs be entrusted to responsible advisers liable to be changed on political grounds; the Governor reserving a veto, and a recommendation in reference to expenditure? 2. "Would any ill-effect result from the participated responsibility involved in such a change in the system of administering native affairs?" 3. Ought the entire management to be vested in the Queen's representative? Colonel Wynyard, Major Richmond, Major Nugent, Busby, Clarke (late Chief Protector), Baron de Thierry, and others, were emphatic in urging that the Governor should retain control. The Bishop of New Zealand; missionaries, whether of the Church of England or Wesleyan; the Roman Catholic Bishop of Auckland;—gave the same advice. The Pakeha Maori, Mr. Maning, was distinct and positive in like manner; so was Donald McLean. Even Mr. Turton, the friend of Ihaia, was opposed to the project of weakening the Governor's hands. There were two notes of approval, qualified by requirements that the natives must first be officially informed of their constitutional rights and become electors, and that the colonial exchequer should defray military expenditure if the troops should be employed against the Maoris. There was virtual unanimity against change.

But Stafford and his colleagues were not idle. The wily Whitaker and Richmond worked by sap rather than by

[16] The author of "Old New Zealand," by a Pakeha Maori.

assault. The House resolved (11th Aug.) that, not seeking at present to disturb the existing "relations" as to management of native affairs (pending reference to England), "it would greatly conduce to peace and good government" if all departments were placed under control of the Governor's advisers, subject to the arrangement that the Governor, on receiving advice, might adhere to his own opinion till that of the Secretary of State might be received. When the session closed, it was agreed that the Chief Commissioner for land purchases, Mr. McLean, should become Native Secretary, should submit the business of the department to one of the ministers; should be removable only with the Governor's sanction, and should have access to the Governor, with whom was to rest the final decision. It was not likely that Maoris, who were alert with regard to the House of Commons' report in 1844, would remain ignorant of these arrangements.

The Governor relied much upon McLean, who was confident that the ministry would make provision for "carrying out measures for the amelioration of the native race." But the ministry thwarted rather than assisted. The Civil List guaranteed an annual provision of £7000 for native education. Fox, during his short term of office, wished to remove £5900 of this charge from the Civil List, but the Governor would not consent. Of the Customs revenue of £112,000 not less than £51,000 were estimated in 1856 by Fox as contributed by the Maoris, and the sale of lands by the government yielded nearly £50,000 more. Without sanction from England, the Governor declined to rob the Maoris of the provision for education. Other sums were voted, but ungraciously. Messages from the Governor elicited no satisfactory reply from the representatives at a later date. They averred that they desired to respond with proper liberality; but recollecting that the Civil List provision for the Maoris "had been without the sanction of the House, and contrary to its wishes appropriated to objects over which it had no control," and, larding their refusal with several sorts of reasons, they declared that the House would "fail in its duty to the country were it in the present state of the finances to place a further sum for native services upon the estimates for the year." If they

reasoned thus when panting for an Imperial guarantee for their loan—when Mr. Sewell was about to proceed to England to urge their claims—it was manifest that under favouring circumstances they would be transformed from beggars to dictators. They knew not at the time the views of the Home Government on control of native affairs.

Governor Browne found the Maoris acquainted with passing events. In November he visited the Rev. R. Maunsell's school, seven miles from the mouth of the Waikato river. It was supported by a grant from the Civil List, and ninety-seven scholars of various ages were, in the Governor's opinion, well taught. Several chiefs said that the government ought not to withdraw aid from the school. They expressed unalterable attachment to the Queen, and to Browne as her representative; but "declared in the most emphatic terms that they would never recognize the Assembly in any way, speaking of it in contemptuous terms, and calling it the English committee."

A report drawn up by Dr. A. S. Thomson (58th Regt.) was transmitted by the Governor to the Secretary of State. Dr. Thomson averred that in mapping out the electoral districts the Maoris had been ignored; that, unrepresented themselves, they were taxed by a government responsible to the settlers; that Browne's reservation of native control would prove a fiction—for power would follow the purse, and injustice would be done. Either there should be Maori members in the General Assembly, or the Governor ought to have £25,000 at his disposal for Maori purposes. Dr. Thomson's ability was acknowledged. He was a true prophet as to Governor Browne's position. He concluded his paper by saying that the amalgamation of the European and Maori races made it daily more probable that Gibbon's hope might be realized, and that, as a Hume had sprung from the northern savages of Caledonia, so a Maori might be the ancestor of a historian in the south. It was not surprising that suspicious Maori minds deemed self-defence necessary. Immediately after Grey's departure and the development of the pretensions of the General Assembly, or "Pakeha Committee," which contained so many of the former enemies of their race, steps were taken to give consistency to Maori aspirations. A memorandum drawn up

at Browne's request by his advisers narrates that: "The first proposal for a separate native state under the Waikato chief Te Whero Whero seems to have been made as far back as in 1854." The objects of the Maori king party were various. Some of its supporters were loyal to the Queen, and desired to assist the government in ameliorating the condition of the Maoris. Some were provoked by "a degraded portion of the newspaper press which teemed with menaces of the time when the whole Maori race would be reduced to a servile condition." Some were prompted by doubts as to the good faith of Europeans. Even the Stafford government "at one time entertained a hope that the good elements in the Maori king movement might gain the ascendency, and become the means of raising the population in the social scale." Who could blame a Maori patriot for the hope with which a grasping ministry professed to sympathize? The selection of Te Whero Whero as king was a guarantee that the movement was not directly hostile, for the old man had been the constant friend of the English. His paramount position could be admitted without murmur, for the Waikato, though formerly defeated by the firearms of the Ngapuhi, were perhaps the most powerful of all the tribes in the land. The opponents of further land sales fell naturally under the protection of the Maori king. In one sense it might be said that the idea of a Maori kingdom preceded the English settlement. It was a project mooted in the days of Samuel Marsden to save the Maori race from degradation.

Early in 1856 the Governor appointed a board to inquire into the land question, but neither he nor his advisers ascribed any importance to the king movement, or to the opposition to land sales. He desired to know whether a Maori selling land "could not be made to a degree answerable for subsequent claims?" Of Major Nugent, who sat at the board, Colonel Browne reported that "it is not easy to overrate his ability and knowledge of native affairs." Evidence was taken from McLean, Bishop Selwyn, Mr. Whiteley, a Wesleyan missionary, and many others. Tamati Ngapora, the future counsellor of the Maori king, was examined. The report of the Board was that "generally there is no such thing as an individual claim, clear

[illegible] the tribal right," that "each native [illegible] with the whole tribe over the [illegible] the tribe," and that "the chiefs [illegible] the disposal of the land, but have [illegible] like the rest of the people to [illegible] On this head there was little [illegible] among the witnesses, several of whom [illegible] Brown, Superintendent at Taranaki, [illegible] think that any native has a strictly [illegible] land." Mr. Busby (formerly British [illegible] stated that "the government [illegible] purchasing disputed lands." Strangest of [illegible] the part he was to take at Taranaki, [illegible] "I do not think that any native has a clear [illegible] to land in the Northern Island." Mr. [illegible] for twenty-three years' residence, was equally [illegible] "No native has anything more than a right to [illegible] occupation and cultivation, or locating a house [illegible] land. If a sale is to be effected the sanction of the [illegible] required." Kiwai-te-ahu said: "I consider there [illegible] individual claim. They are all entangled or matted [illegible] the children of our common ancestor claiming [illegible] bequeathed to them." The Board discovered also [illegible] land was heritable in the female as well as in the [illegible] lines, intermarriages between members of different [illegible] caused an involvement of titles in two tribes which [illegible] highly dangerous to endeavour to dispose of by any [illegible] purchase. The report was laid before the New [illegible] Houses in July, 1856, and was sent to England. [illegible] Hira Taiwhanga, made statements which ought to [illegible] made Browne's advisers pause if their intentions [illegible] honourable. A drunken settler named Charles Marsden had killed a native woman, Kerara (Nov., 1855). She was a Rotorua woman, but was murdered near Auckland. The man was tried and convicted, but not hanged until delay made the Maoris suspect that the woman's death was to be unpunished. Three hundred and seventy men went in their own vessels from Maketu to Auckland, intending to cut down the flagstaff if Marsden should not be hung. There had been meetings at Rotorua and elsewhere. Governor Browne's absence in the south delayed

his decision upon the murderer's case. There were rumours of a proposal to seize upon Auckland, or to retaliate by killing some European. A clergyman remonstrated against the sending (to a magistrate) of a violent Maori letter. Moderate counsels prevailed, and it was determined to await decision upon Marsden's case. Colonel Browne saw a letter from one chief to another, containing the words: "I and my people were within a little of standing up and calling upon the whole island to join me in contending with the English for the independence of this island, which has been trampled on; also on account of this murder. . . . Had this murderer been acquitted, I should have given my voice for downright open war. As it is, the judge and the jury of twelve have consented that the man shall die, and that is satisfactory." Chiefs with their followers arrived in Auckland and demanded justice. Colonel Wynyard attended a conference. To the Maori mind even the trial of the murderer was a mockery, inasmuch as he had never denied his deed. On the 12th Feb. the man was executed.[17]

The Governor was so impressed by the situation that he assumed the responsibility of detaining the 58th Regt., then under orders to leave New Zealand. Colonel Wynyard and the Executive Council concurred in the retention of the troops. Yet Browne, though he co-operated with his advisers, distrusted their motives. He wrote (14th Feb.): "Political dissensions have been for some time and still are the bane of this colony" . . . "elements of discord between the races are in existence, and imprudent legislation or interference with the rights of the Maoris would fan them into a flame not easily extinguished. . . . I shall view with apprehension, and object to, any attempt to alter the provisions of the 73rd clause of the Constitution Act, or to bring the powers thereby entrusted to the Governor in any way under the control of the Assembly."

[17] In July, 1856, a member of the House was severely censured for saying that the man's "life had been sacrificed to popular fear of the natives." Mr. Carleton reminded the House that the judge had charged the jury to "dismiss from their minds all fear." The offending member, on a subsequent day, said in the House that "he did not much regret the result, as the man was a worthless individual."

But while he reasoned thus, his ministry thirsted to enlarge their powers. In March, 1856, he devoted a despatch to the subject. It came to his knowledge that different opinions were entertained about the 73rd clause. If his views were correct, the chief Land Commissioner must take orders from the Governor alone. "If the power of interference is confided to gentlemen liable to the pressure of public opinion, and whose tenure of office is dependent on the confidence of a public assembly, it will be impossible to foresee the result." He urgently referred the Secretary of State to Chief Justice Martin, who was returning to England, and was intimately acquainted with the subject. Mr. Labouchere only dallied with the case. The Palmerston Government comprised great names, although Gladstone, Graham, and Sydney Herbert had withdrawn because of the Crimean Inquiry Committee. Lord J. Russell, after showing his incompetence at Vienna, had slunk from the ministry; but Sir G. C. Lewis, Sir Charles Wood, Mr. Labouchere, Mr. Lowe, Sir Richard Bethell, Mr. Horsman, and others remained. The Crimean war was at an end. The Treaty of Paris was concluded before the Governor's despatch reached England. But other matters occupied the ministry. Baron Rothschild and his fellow-Syrians were to be admitted into Parliament, and a new Abjuration Bill was in the Commons; Lord Granville was to be an ornamental appendage at the coronation of the Emperor of Russia; public attention was more intent on the Rugely poisoning case and the Robson and Redpath frauds than on the fortunes of a distant colony or the fate of the Maori race; and if there was any superfluity of care for distant events it was to be expended in punishing the Chinese for seizing a piratical lorcha manned by Chinese, but claiming to sail under English colours. Governor Browne was informed (10th Dec., 1856) that "Her Majesty's Government consider that, notwithstanding all the respect due to the principle of responsible government, the management of native affairs should remain for the present mainly in the hands of a Governor responsible for it to the Crown." "Until further instructions" he was to pursue his previous course. These hints that the scope and duration of his control might be

tampered with were calculated to stir the plotters in the ministry to further encroachments. So little did Mr. Labouchere comprehend the situation that he did not lay the despatches on the table of the House. From April, 1854, till July, 1860, they slumbered in recesses, from which they were to be produced only when the nation was startled by a new crisis. Sir G. Grey had in 1853 been deemed competent, and a listless public assumed that all must go well under Colonel Browne. For Mr. Labouchere, warned as he was by the Governor, there was no excuse.

Meanwhile the Governor, with the help of McLean, wound up some disputes (clinging to land purchases thought to have been finally made by Sir G. Grey), and struggled for a time to resist his advisers' promptings. What both he and they ought to have foreseen took place. The District Commissioner apprised him (Nov. 1856) that there was to be an assembly of Maori chiefs at Taupo. The main object was to check the decline of the Maoris, and the principal weapon was said to be an arrest of land sales. While the Commissioner wrote, the Maoris worked. Te Heu Heu had called the meeting at Taupo. A missionary there, Mr. Grace, was reported by McLean to be aiding and abetting the Maori schemes, and the Governor was moved to procure Mr. Grace's removal by the Church Missionary Society. Browne reported that Te Heu Heu's assembly separated without effecting much beyond "a declaration by certain tribes that they would not permit land to be sold to the Europeans." But the Maori king movement may be said to have taken shape at Taupo. It was not then linked with opposition to land-selling at Taranaki, nor did Te Rangitake ally himself with the king movement. But the object of both was the same. The "mana" of the Maori chiefs was to be guarded. The collective title of the tribe was to be respected. No sales of land by individual members of a tribe could be valid without sanction of tribal authority. That some "mana" existed and was recognized among the Maoris was well known, for McLean declared before the House of Representatives, with regard to the Taranaki territory, that "on each occasion on which the Ngatiawa sold land there they sent a portion of the payment to Waikato as an acknowledgment of conquest, or of the

right of "mana" possessed by the Waikato chiefs as their conquerors."[18] The Ministry were too eager for their own aggrandisement to care for any of these things. But the Governor was ill at ease. It appeared that the more reflective Maoris were unsettled in their minds, and that the impulsive could less and less be restrained. The labours of the English Committee and the Ministry were bearing fruit. Colonel Browne wrote (18th Feb., 1857) that it was difficult, if not impossible, to satisfy "views opposed to each other, as those who want land and are in no way responsible for the manner in which it is obtained, and those who, like Mr. Mantel, consider the colonial government bound to care for the interests of the natives."

Early in 1857 the future king-maker, Wiremu Tamihana Te Waharoa, visited Auckland to lay grievances before the Governor. He it was who, as Tarapipipi, in 1844, exacted restitution of property taken from settlers by Maoris returning to their homes from Remuera. His resolute character might have warned the Governor's advisers against repelling a chief so influential and so friendly at a time when the Maori mind was excited by suspicion. Yet Mr. Gorst declared that Te Waharoa was denied access to the Governor, and that McLean, the Native Secretary, refused him the common favour of a loan to enable him to erect a mill. A friend to whom he complained said that the chief must help himself. He went home, resolved to ask no more favours, and sent a circular (Feb., 1857) "to all Waikato," declaring that his tribe, Ngatihaua, agreed that Pōtātāū (Te Whero Whero) should be king of New Zealand. "Be speedy. You will write to the remote tribes that they may hear." Potatau was loth to consent, and, when consenting, claimed only the title "matua," or father. When it was known that the Maoris were to assemble at Rangiriri in May, 1857, the Governor's advisers were alarmed. Colonel Browne, Mr. C. W. Richmond, and Mr. McLean started for Rangiriri. The meeting had been postponed. They journeyed to Otawhao in the Upper Waikato territory. Mr. Fenton, who had drawn up a report upon the situation, joined them. They met Te Heu Heu, the Taupo chief, who

[18] As has been seen, Te Rangitake, the principal chief, or Ariki, of the Ngatiawa, had never been conquered.

bitterly told them that the lowest Englishman was hospitably entertained by Maoris, but that a chief of high rank visiting Auckland was rudely neglected by the Pakehas. Moreover, the debased English who lived in Maori districts committed wrongs for which there was no redress. The Maoris would have a king and assemblies of their own. They would not interfere with English settlements, but for the English in native districts they would make laws. The Governor rode on to Rangiaohia, a district smiling with Maori cultivations. There he received loyal salutes and addresses, but found the new movement stirring the Maori mind. He returned to Rangiriri. Potatau met him at Paetai. Chiefs made speeches. They wished to have runangas (Maori assemblies), a resident magistrate, and law administered locally. Browne assented, and was cheered. Potatau approved. He oracularly said he was a dying man, but would be guided by the Governor, and would bequeath his people to his care. "Enough," he said; "give the runanga, give the law, and the magistrate. It is ended."[19] Mr. Richmond distrusted the chief's "apparent acquiescence." He considered him "a profound diplomatist."[20]

Browne returned to Auckland, fondly hoping that the king movement was annihilated. He mentioned in a despatch (13th June, 1859) that the war-canoe in which he ascended belonged to Potatau, and "was steered by his son." After the Governor's departure the real Maori meeting began. The Ngatihaua planted a new flag; white, with a red border and two red crosses as symbols of Christianity, and the words, "Potatau, king of New Zealand." Ceremonials occupied a few days. The Union Jack was hoisted near the new flag. Takirau tied the flags together, saying: "Our king will be friendly with the Queen," and asking for the blessing of God on New Zealand. Wiremu Nera, an old warrior, deprecated the new flag. "He was content with that of England. It is seen all over the world, and it belongs to me. I get some of its honour. What honour can I get from your flag? It is like a fountain without water." The king-maker was sorry his "father had spoken so strongly." He wanted order and laws, which a king could give better than a

[19] Evidence of Heta Tarawhiti, N. Z. P. P., 1860. F. No. 3, p. 52.
[20] Richmond's evidence, *ibid.* p. 53.

governor. But if the flag was not liked let Rewi pull it down. Without a word Rewi threw the flag at the foot of the Union Jack and sat down. The act of casting down the Maori flag was construed as intended to show the utter subjugation which Wiremu Nera seemed to court. Rewi, the Ngatimaniapoto chief who thus acted, was to become a moving spirit in the wars which were to afflict his country, and the appeal to him implied that his opinion was greatly regarded. He was then about fifty-four years old. Like the king-maker, he had not the statuesque and striking countenance so common amongst Maoris. Wiry in frame, he was more powerful than its proportions betokened. But his eyes, reflective and sagacious in repose, literally flashed when he spoke with fervour, and seemed to defy by rapidity of movement the attempt to fasten upon his gaze. What he resolved upon it was believed he would grimly do. Tarahawhaiki angrily rehoisted the flag, saying he loved New Zealand. Te Oriori declared that his word was ever to keep the land, but he desired to reverence both the Maori king and Queen Victoria. Tarapuhi deprecated the making of a king. Untrodden paths were tangled. Such would be the new way. Let all adhere to the way of the first Governor, who gave friendship, love, and kindness, and had been imitated by his successors. Te Wheoro (to be known in after years as the ally of the English) followed in the same strain, as did Wiremu Nera. Waata Kukutai said: "Let the flag stand, but wash out the writing on it." He would remain the Queen's subject. Again Tarahawhaiki rose; a ferment was beginning when Hoera called out: "Let us pray." Silence ensued; he read prayers, and the meeting was closed. On the following day Potatau appeared with his friends and spoke enigmatically, recommending religion, love, and unity, and concluding with a song. Hoani Papita cried: "Fresh water is lost when it mingles with the salt." He would set up the king. He sang a song, whose burden was that the land should be retained. Two thousand Maori voices joined in chorus. Te Heu Heu spoke of Maori wrongs until other chiefs restrained him. The king-maker said the work would not end soon. Heta Tarawhiti entreated his countrymen to cling to the good law and learning of England. Hemi Putini asked Potatau to

declare his thoughts about the flags. Paora placed the new flag near the king's, and marked a ring round each which Rewi deepened. Kukena, uncle of Potatau, amid deep silence, lowered the king's flag and tied it half-mast high to the English flagstaff. More speeches and songs followed. In the evening Mr. Fenton addressed the chiefs in their own tongue, and urged them to act in concert with the government. On the following day the king-maker's friends despatched the flag to summon more chiefs, to induce Potatau to become king, or to appoint some other chief. Again a runanga was held, at Ihumatao on the Manukau, a few miles from Auckland. Bishop Selwyn and Mr. Buddle, a Wesleyan missionary, were there, and warned the chiefs of the danger of their project. At Ihumatao the speeches were like those at Rangiriri. Friendly chiefs visited the Governor at Auckland, jealous of the Pakeha Assembly, and desiring one of their own.

From Rangiaohia, Hoani Papita and other chiefs wrote on 10th June: "We are here gathered together to appoint a king to check the evils amongst us." They quoted St. Paul to show that the king was the minister of God for good, and would execute wrath upon evil-doers. They had heard that the Europeans were opposed to their projects, but could not understand the justice of such opposition. "It will be better for the Pakeha to be friendly to the Maori, and let the love of God govern both; that is, the law of love." They had heard that Mr. C. O. Davis was accused of inciting them to elect a king. That was untrue. They had long ago thought of doing so. "It was commenced by Te Heu Heu, who proposed it to Potatau, afterwards by Hoani, and after that by Wiremu Tamihana Te Waharoa. If you disapprove of this act of God, take back your Gospel also. Let it not rest upon us, and let our island be a heap of dirt." The Governor told the Secretary of State (12th June, 1857) that he apprehended "no sort of danger from the present movement," which was "arrested" (he trusted), but was "too deeply rooted to be eradicated by argument or persuasion." He considered the "time critical, and that much good or evil must result from the manner in which we now act or neglect to act." A code of laws adapted to Maori needs should at once be pre-

pared, and circulated in the Maori language. In the preparation of the code the services of Mr. Frederick Dart Fenton were enlisted. A solicitor by profession, he had arrived in New Zealand in 1850, and rented land from the Maoris on the south bank of the Waikato river. After a time Sir G. Grey offered him a civil appointment which he accepted, and afterwards quitted in order to become resident magistrate at Kaipara. In March, 1856, he became temporarily Native Secretary to Governor Browne. Mr. McLean then became Native Secretary and Chief Land Commissioner, and in the latter part of the year Fenton was appointed resident magistrate at Whaingaroa. Thence he was summoned to act as magistrate at Waikato in order to redeem Colonel Browne's promise in April, 1857, at Paetai. He laboured at disadvantage. Donald McLean strove to obtain the appointment for another, and detracted from Fenton's ability so rashly as to tell a committee that Fenton had "little or no knowledge of Maori language."

The aspersion was confuted sufficiently in 1860 by Archdeacon Maunsell, who, in publishing a second edition of a Maori grammar, expressed his acknowledgments to Mr. Fenton as "one of the few who had studied the Maori language grammatically," and who had "carried the work through the press."[21] In the meantime, however, McLean's opposition to Fenton was injurious. In March, 1857, Mr. Fenton had drawn up a statement of the condition of affairs —the doubts and desires of the Maoris—their plans for creating wholesome jurisdiction among themselves, to replace their waning polity of the past—their proposition to create a king, and to establish order. He saw "the aspect of a new people agonizing in the birth-throes of order."[22] He proposed that the Governor should assist them; that the villages should nominate native magistrates whom the Governor should appoint, and who would be aided in their

[21] The liability to error on the part of those who did not study the language grammatically will be understood when it is mentioned that the inflexion of possessive pronouns was so nice, that by a slight variation of a word meaning "your"—the phrase, "That is your cooking-vessel," conveyed to the Maori mind either, "That is your vessel" (to be used for your culinary purposes)—or, "That is your vessel," *i.e.*, the one in which you shall be cooked.

work by officers of the government.[23] The Governor and the ministry lauded Fenton's zeal and ability, and thereby increased the chagrin of McLean, who, as Native Secretary, was (under the relations established between the Governor and his advisers) a permanent officer under the control of the Governor, and nominally if not practically exempt from that of Mr. C. W. Richmond, who, as Treasurer, was also responsible adviser on native affairs.[24] McLean, as Secretary, received correspondence, and forwarded it with remarks to Richmond, who transmitted it with minutes to the Governor, whose decision it was McLean's duty to carry out. Occasionally Mr. Richmond requested to see drafts of letters written in obedience to the Governor's directions, and he held that it was "the business of the Native Minister to originate advice." On the 6th May, 1857, the ministry recommended Fenton's appointment; on the 9th the Governor sanctioned it, and on the 11th Fenton was informed that on the recommendation of the Colonial Treasurer he had been appointed resident magistrate for the Waikato and Waipa districts. Detailed instructions were given to him. His appointment was in compliance with "the earnest request of the natives." The ministry considered that "such a people, impossible to govern by any external force, promise to become readily amenable to laws enacted with their own consent." They proposed to enlarge the number of native assessors who had been instituted by Sir G. Grey. Fenton was directed by the Governor to prepare a draft code of concise laws to be "forwarded to ministers for their consideration and amendment." It was strange that neither the Governor nor the Native Minister suggested that Fenton should communicate in any manner with the proposed king, and that Fenton did not visit him. Mr. Richmond was asked in 1860 whether the government subsequently attempted "to remedy the oversight," and he said, "I think not." He pleaded that the ministry had "no medium of communication except the Native Secretary's office," but his plea was inconsistent

[23] Acting-Governor Shortland (30th Oct., 1843) told Lord Stanley that he agreed with Protector Clarke that the time had arrived for the "establishment of Native Courts."

[24] Evidence of Mr. Richmond, N. Z. P. P., 1860. F. No 3, p. 52.

[illegible] the elaborate minute of the ministry on Fenton's [illegible] and appointment, and with a minute of his own [illegible] by the Governor), directing Fenton (17th June, [illegible] correspond with the Treasurer (Richmond).[25]

Fenton visited Waikato in July. His journal is in the New Zealand blue-books.

[illegible] from Onehunga to Waiuku, he found Rewi at [illegible] station Kohanga with a band of Ngatimaniapoto. [illegible] Fenton would visit him at Kihikihi, and was [illegible] to prove his earnestness he must build a court-[illegible] In fact, the Maoris built court-houses in many [illegible] Waata Kukutai—the eclectic, who had said, "Let [illegible] stand, but wash out the writing on it"—sat with [illegible] at Taupari in an unfinished building. The pro-[illegible] were conducted with decorum, and "Kukutai [illegible] with courage and judgment." Holding meet-[illegible] various places with various tribes, encouraged in [illegible] and discouraged in another, Fenton recorded in [illegible] (6th Aug.) his dissatisfaction with Potatau. "I [illegible] King business was at an end. It is a great [illegible] to me, and unsettles the minds of the natives. [illegible] thinking that Potatau is doing all he can to [illegible] movement from dying out. . . . Spite of [illegible] words at Paetai, I have no faith in him." [illegible] is to be the residence of the king. . . . [illegible] also rechristened the island. New Zealand [illegible] name they have rejected, and now they call [illegible] the name of one of the canoes that carried an [illegible] Potatau is a stupid old man, [illegible] has no other motive than the gratification of [illegible] Colonel Browne also spoke contemptuously of [illegible] the Secretary of State he described him "as [illegible] his dotage." Mr. Fenton left Auckland without [illegible] arrangement to visit the king expectant, and [illegible] was separated only by the narrowest part of [illegible] from Potatau's abode at Mangere; so [illegible] that the places were afterwards connected [illegible] and causeway. Nevertheless, uninstructed by [illegible] and unprompted by wisdom, Fenton made

[illegible] N. Z. P. P., 1860. F. No. 3, p. 141.

no sign of friendship with the chief, or of desire to consult him. There is reason to fear that Donald McLean, jealous of intrusion by Fenton in the domain of Maori affairs, encouraged Potatau's people to thwart the intruder. Potatau was prompt. He issued (14th July, 1857) his answer to the proposal of the king-maker: "Friends,—Salutations to you. Your word has reached me, and I have considered it. Formerly I did not approve of it. Now I will abide by it. . . . But guide the plough aright. Let the line be straight." An enigmatic song preceded his signature. The ink was hardly dry which recorded Fenton's disparagement of Potatau, when the Maori letter accepting the kingship was placed in Fenton's hands at Whatawhata. He had not thought the chief would "speak out so plainly." "Government cannot longer pretend ignorance of this movement. At the same time it would be highly injudicious for the government to take any step which would appear to offer hostility to Potatau." Fenton thought he should be quietly spoken to, and told that the annual payments made to him would be withdrawn if he persevered in incommoding the magistrates. But the die was cast when the Governor, the ministry, and Mr. Fenton passed by the old man to whom the Governor had promised that he would grant the runanga, the law, and the magistrate.

On 14th Aug., Fenton saw a document signed by fifty of the king-maker's tribe, agreeing to recognize the king. Soon afterwards he saw an enigmatic Maori letter written by Mr. C. O. Davis. Mr. Davis had resided in New Zealand long before Captain Hobson hoisted the English flag there. He was afterwards clerk and interpreter, but resigned his office early in 1857, because he "considered it an intolerable burden to continue in it any longer."[26] He then handed a paper to the Native Minister on the critical condition of Maori affairs, and the confusion created by absence of system in dealing with them. There should be three distinct departments for the conduct of native business:—One to deal with the natives, under a Native Secretary; another to despatch all legal business connected with the natives, under a Native Counsel; a third to deal with land

[26] Evidence of C. O. Davis. N. Z. P. P. F. No. 3, p. 21.

[illegible] the Land Commissioner. The first he said [illegible] efficiently administered by Mr. Fenton with the [illegible] He arraigned the policy of doles with which [illegible] identified. The consolidation of the department [illegible] be fruitful of evil. To unite the Lands Office [illegible] Native Secretary's was fraught with danger. No [illegible] supposed to know more of Maori customs than [illegible] he professed to be alive to the dangers of the [illegible] movement. But his advice fell vainly upon the [illegible] and McLean would tolerate no rival. It was [illegible] that Davis treacherously corresponded with [illegible] The Governor sent to England a letter written by [illegible] a Taupo chief in June, 1857, which, though [illegible] in language, was deemed an encouragement of [illegible] movement. A few days after Fenton read [illegible] acceptance of the kingship he deemed injudicious [illegible] Davis which was shown to him. In one point [illegible] with Davis. He declared that the fusion of the [illegible] Government with the Native Secretary's was evil. [illegible] banish from my thoughts the conviction that a [illegible] part of the present uneasy and suspicious tone [illegible] mind is to be attributed to that unhappy [illegible] its consequences."[27] . . Sir G. Grey always [illegible] own private interpreter; and ministers, I respect- [illegible] made a great mistake in striking that officer from [illegible] list. . . . The chiefs are anxious to see the [illegible] and tell him their cares. It is well that they should [illegible] his Excellency ought to rely on nothing but the [illegible] information." Mr. Fenton was right. It cannot be [illegible] that if the Governor had seen the king-maker [illegible] in 1857, he would have sent him away in dudgeon, as [illegible] did, to give shape to the agitation for a Maori [illegible] The Governor himself was unconscious of the sap- [illegible] by which his discretion was undermined. The [illegible] which struck off his interpreter was growing. His Native Minister are long thought himself specially fitted to [illegible] the Maori problem, and to warp the Governor and the Colonial Office from the principles upon which Maori [illegible] had been conducted. The new system, however,

[27] Diary, 17th Aug., 1857 N. Z. P. P. E. No. 1, C. p. 27.

could not be enforced without troops, and the web in which the Governor was to be enmeshed was to be woven slowly. In sending a magistrate to Waikato all parties agreed, and there were profuse expressions of desire to aid the Governor loyally. In spite of obstacles, Mr. Fenton, with the assistance of Kukutai and others, strengthened the attachment of many to the Queen, but it was plain that a majority in Upper Waikato held aloof. In the end of August Fenton returned to Auckland. A Select Committee reported (1860) that, excepting the omission to visit Potatau, Fenton's journey was successful, and that he was well qualified for his task. To whom the blame for that unfortunate omission was due—"whether to Mr. Fenton; the Native Minister (C. W. Richmond); or the Native Department (D. McLean);" the Committee could not say. McLean at an early date complained that Fenton's proceedings caused ill-feeling among the Maoris, and that efforts to introduce grass-seeds bred suspicions that it was intended to "subdivide their tribal lands." He alleged that by cultivating the acquaintance of the younger chiefs, Fenton irritated the elder and more important. If McLean strove to allay rather than aggravate the irritation, he failed. He saw Potatau, who said that he would leave Mangere and reside at Waikato, which till then he had declined to do; that he was no longer consulted as in former days (by Sir G. Grey), and changes were made without his concurrence.

As a proof of the confusion denounced by Davis, it may be mentioned that while Richmond, the Native Minister, stated that ministers were "powerless in the matter" of the omission to conciliate Potatau, because they had "no medium of communication except McLean's office," McLean himself stated that he had "no opportunity" to remedy it, because Fenton "received his instructions from Richmond." Fenton stated that he had no instructions to visit Potatau, and though it occurred to him that it might be beneficial, he was restrained by a fear that his "visit might be construed into an unauthorized interference."[28] He was recalled to Auckland to prepare a book of "Laws for the use of the natives," and was informed that in future he

[28] N. Z. P. P., 1860. F. No. 3 contains the evidence of Messrs. Richmond, McLean, and Fenton.

was to send to the Native Secretary a copy of every communication he might make respecting native affairs. The Governor was confused by the contention for power between Richmond and McLean. He had directed in August that all magisterial business should be divided into "two classes—European and native." On the first, magistrates were to address the Treasurer; on the second, Mr. McLean. "When the correspondence is of a mixed nature they will address both departments simultaneously." Mr. Richmond shrank from a system which kept native affairs from his cognizance, and the Governor shrank from changes unsanctioned by the Secretary of State. The arrangement of 1856 provided that in all native affairs the Native Secretary's advice should reach the Governor through the hands of a responsible minister, and Colonel Browne would not depart from it. His advisers refused to aid him in measures of defence. "I told them (he wrote 8th Aug., 1857) that if they would undertake to provide, or cause the province of Auckland to provide proper accommodation for (H.M. troops) I would not remove them. My advisers, however, distinctly declined to do so."

Having composed part of his treatise, Fenton (Nov. 1857) asked the Treasurer's permission to return to Waikato, and was told to write through McLean's office on the subject; and was subsequently ordered by the Governor to remain in Auckland till otherwise instructed. The attitude of the Maoris was beginning to alarm Colonel Browne. By McLean's advice he saw Tamati Ngapora, and was assured that the Maoris did not desire to throw off their allegiance to the Queen. Tamati Ngapora was a Maori clergyman, highly esteemed by both races. He complained that good laws were not enforced, and that the English insisted on selling ardent spirits and firearms to his countrymen, who were being debauched by contact with the viler sort of white men. He stated that only the earnest solicitation of the tribe had prevailed upon Potatau to accept the offer of kingship. It was after Potatau had told McLean that in former times Sir G. Grey took no important step affecting Maori interests without consulting the chiefs, that Colonel Browne insisted on withdrawing Fenton from Richmond's control. Potatau spoke truly. It

was ever Sir G. Grey's practice to consult Potatau, Waka Nene, and others, and assure himself of their concurrence before promulgating decisions affecting the Maoris. When McLean reported Potatau's words, some of Colonel Browne's advisers recommended that the old chief should be seized; but Waka Nene persuaded the Governor to leave him alone. Neglect was, he said, the best weapon the Governor could use. Takerei told Fenton that McLean had made Potatau jealous by saying that Fenton was separating Waikato from him. Potatau himself was Takerei's informant.

Placed under McLean's control, Fenton returned to Waikato (after some months) with instructions to confine himself to magisterial duties and the compilation of a census. He was no longer to convene meetings, and was to desist from urging the Maoris to convert fern-grounds into pasture.[29] McLean had no sympathy with any efforts

[29] The Governor's despatches do not show that he appreciated the blunder committed in failing to secure Potatau's co-operation with Fenton's mission. On the 13th June, 1859, he wrote that "Potatau gave me assurance (in 1857) that he had no desire to be a king . . . that he would always be faithful to Her Majesty, and I have every reason to believe that he has adhered to his promise. At the time alluded to I appointed Mr. Fenton, that officer being enthusiastic in his desire to introduce law amongst the natives. It soon appeared, however, that the tribes were divided into two parties . . . (one) Potatau . . . and all the old and important chiefs; . . . the other consisting of young men who called themselves the Queen's party. . . . I will not assert that Mr. Fenton's indiscretion was the cause of this formation of two distinct parties, because it is possible that this movement was beyond his control, but he unwisely allied himself to the latter party. Potatau complained that his position as the great chief of Waikato had been recognized by all Governors, but that now young men were encouraged to disregard his authority, and that some slights had been put upon him. I soon found that if he had chosen to assume the position his followers desire to thrust upon him, all the chiefs of importance in the south would join him (an opinion in which I am fully confirmed by my recent tour), and I had strong reason to believe that many of the leading men on the other side only waited to see if he really would establish a national party when they would also join him. As soon as this came to my knowledge, I declared that I would recognize no parties at all; that Her Majesty was the only Sovereign of New Zealand, but that I fully acknowledged Potatau (as all my predecessors had done) as the great chief of Waikato. This tranquillized affairs, but I was accused of putting an extinguisher upon the Queen's party, who were alone thought deserving of consideration." As Mangere, where Potatau lived, was close to Auckland, and the Governor could send for or see him at any moment, the Governor's explanation leaves his own and his advisers' conduct almost unintelligible, except on the assumption that the omission to consult the chief was intended as a slight. Colonel Browne added that he afterwards sent for

active efforts to govern and civilize the Maoris had at this time been persevered in.

A Committee appointed in 1860 to inquire as to the abortive effort to introduce civil institutions in Waikato, reported that they could see no sufficient reason for the withdrawal of Mr. Fenton, and that it had disheartened the friendly Maoris. How the king-maker Waharoa answered an invitation to appear before the Committee will be seen hereafter.

No sooner had the blundering of the ministry alienated the influential chiefs and brought Fenton's mission to an untimely end than the Maori king was duly installed at Ngaruawahia. The fact was thus recorded by Mr. Gorst: "As the European magistrate left the Waikato, Potatau went into it, and was duly installed king in April, 1858." Colonel Browne hoped that by neglect the movement would die, as Waka Nene advised him to permit it to die: but under advice of Mr. C. W. Richmond[30] and his colleagues, the Governor was himself about to fan the embers of

[30] It was contended by Richmond and his friends that they loyally abstained from pressing their views upon Colonel Browne. Mr. Richmond admits that the Governor felt the indignity of the British position, and "frequently discoursed with the Attorney-General (Whitaker) and myself on the possibility of a change. . . . It may be thought as I speak of these conversations that we were the advisers of the Governor in native affairs. This was not so. . . . The only person who had the Governor's confidence was McLean . . . and for my part I can truly say that I never possessed his confidence in the slightest degree. He talked to Whitaker and myself on this particular matter more as lawyers. I mention the matter to show what Governor Browne's real aim was—namely, to put down the fighting which he felt was a disgrace, as he would so say, to 'our flag;' and that throughout the initiative was taken by the Governor" (MS. by Mr. Richmond written in 1878). The foregoing extract is made from a paper furnished to the author by Sir Frederick Weld, who (after the outbreak of the war in 1860) became a colleague of Mr. Richmond. Mr. Richmond underrated the influence of mind upon mind. The more the Governor respected Mr. Richmond, the more would his judgment be unconsciously warped. The MS. above quoted adds that before Colonel Browne went to Taranaki he "brought before the Executive Council the often-mentioned subject of proclaiming British law in Taranaki . . . and we thought it not a bad opportunity to declare that no more fighting would be allowed in the neighbourhood of our settlement. This was a reversal to some extent of Governor Wynyard's policy of absolute non-intervention." Mr. Richmond's explanation removes from the Governor and his advisers, in 1859, none of the blame cast upon them in the text; nor is it compatible with the elaborate advice tendered by Mr. Richmond in Sept., 1858, on native affairs.

distrust into flame at Taranaki, and furnish the natives with what had been so long dreaded by prudent Europeans —a common wrong. Minor causes paved the way for the final act in the tragedy. The withdrawal of Fenton gave offence to those who had co-operated with him in Waikato. Waata Kukutai averred that it grieved them, and turned many from the Queen. Ruka Taurua corroborated his evidence. The brave and pious Rev. Heta Tarawhiti thought that if Fenton's work had not been checked his proceedings would in the end have won the approval of Potatau, and that when he was withdrawn the friendly natives deemed that the Governor's promise had been broken. Reihana Porutu agreed in the main with Kukutai. Hone Wetere, a Ngatimaniapoto chief, declared that his tribe only joined the king-party "because Mr. Fenton had given up going to Waikato." Mohi te Rongomau was of the same opinion with regard to his tribe, the Ngatihourua. The people were pleased with Fenton's administration of law. Now "I only am left within my boundaries." Takerei te Rau, who averred that he had specially requested that Fenton should be appointed magistrate because he knew the Maori language well, declared that that there was no fault in Fenton, and that his detention by the Governor in Auckland was injurious. Three other chiefs supported Takerei's views. He added a commentary which has at all times been true in New Zealand:

"There are respectable Pakehas whose thoughts are good according to their views, and there are low Pakehas bent upon evil. There are also Maori chiefs whose thoughts are bent towards good, and there are common persons who are arrogant in their behaviour like the low Pakehas. There are also conceited Pakehas, who, without provocation, speak contemptuously to the Maoris; and there are conceited Maoris who speak contemptuously to respectable Pakehas without provocation. The low Pakehas mean murder. It will be well for you to look into this matter, for with you the law is old, with us it is a child; and the thoughts of the Maoris have not been applied to the system of the law. Those low Pakehas, therefore, constantly err. It will be for you, the great runanga, to see to this.[21] . . . A single individual should not presume to sell land, whether in the west or in the east, in the north or in the south. It should not be yielded to the control of one man. If the great runanga of all the tribes consented, then only would it be right; but for one man to sell his land would not be right."

[21] He was addressing the Waikato Committee in 1860. The above extracts are from the evidence taken. N. Z. P. P. F. No. 3, 1860.

It is fair to mention that Tamati Ngapora stated that Fenton's mission created divisions, and that Potatau ought to have been consulted before the magistrate was sent to Waikato. He admitted that Kukutai, Takerei, Te Kereihi, Te Oriori, Te Wheoro, and a few others supported Fenton, but Kereihi (after Fenton's withdrawal) subsequently clung to Potatau. Potatau's friends were numerous. Ngapora named Te Heu Heu, Rewi, Te Wetini, and others. Sir W. Martin could not see that Fenton's withdrawal was necessary, though he admitted the influence and sagacity of Tamati Ngapora. Not in those days subjected to the malign control of his advisers, Colonel Browne wrote of the retiring Chief Justice (17th Sept., 1857): "The unblemished conduct of Chief Justice Martin, his learning, piety, and absolute independence of local politics, have given him great influence over both Europeans and natives, and he enjoys the universal respect and esteem of all classes and both races. The utmost that can be desired is that his successor may be his equal." Enough of the evidence has been recorded. The Waikato Select Committee of 1860, presided over by one of the Cabinet in which Richmond was Native Minister, reported that "with the light of two years' experience since that time before them they could not perceive sufficient reasons for suspending the work on which Fenton was engaged"—and their verdict must be confirmed by any impartial inquirer. Though withdrawn from Waikato, Mr. Fenton was retained in the service as assistant law officer. For the want of co-operation between him and McLean, the Select Committee relieved Fenton from blame. The discord between McLean and the ministry seemed to the committee fatal to any plans for the good of the natives. McLean himself, when he thought it consistent with his sense of importance, advised the Governor to send another magistrate to Waikato, but it was then too late to undo the mischief reprobated by the Waikato committee.

It was strange that when rumours of disaffection were flitting through the air, like bats in the darkness, the Governor and his advisers relaxed the restrictions upon the acquisition of firearms by the natives. Within six months the Maoris were said to have obtained quantities of fire-

arms. Even when Waata Kukutai implored the Governor by letter to prohibit their sale (Oct., 1858), neither Mr. Richmond nor the Governor took warning. The wisdom of Sir G. Grey had no imitator. In 1858, the General Assembly found that a blunder had been committed, and recommended that there should be no further relaxation. Internal strife was promoted by the arming of a warlike race. Te Hapuku was taunted with selling land. "As he had sold the forest, he must cook his food with his ancestors' bones." He resented the affront; and, when at war, said in vindication—"A blow is soon forgotten, but an insulting speech lives for ever." The incensed chief was besieged, and when it was thought that a crisis was approaching, the Governor sent nearly 300 soldiers to Port Napier to avert it. McLean entreated both sides to accept a peace. Te Hapuku was allowed to march off with the honours of war to his domain in the interior, and his pah was destroyed by fire. At Port Napier as at Taranaki the contending Maories were peaceful towards the English. At the latter place the hollow truce was broken. Katatore, after the truce of 1856, changed his tactics, and advocated sales of land. The provincial authorities, nothing loth, received his advances gladly. Ihaia burned with jealousy. As Katatore and three friends were riding from Taranaki (Jan. 1858) they were waylaid and shot on a main road in sight of Europeans. The Assistant Native Secretary reported that Ihaia admitted that he laid the plot; that the attack was made on the first occasion on which Katatore was seen unarmed; that after he was shot in many places three guns were broken in beating him, and that he was finally mangled with tomahawks. Tiraurau was reported as having been "specially prominent for his ferocity." Ihaia's ally Arama Karaka had died in 1857, and Ihaia's resources were few. Friends of Katatore at once killed two of Ihaia's tribe, and sacked the Ikamoana pah. Ihaia escaped, and his deserted property and live stock were destroyed. Te Rangitake with Katatore's friends besieged Ihaia in the Karaka pah at Waitara. Many settlers sympathized with Ihaia; and besought the Governor on his behalf. The government offered to remove the besieged to the Chatham Islands; but, relying on the settlers and the

ministry, Ihaia declined the proffered asylum. He asked for help from the Maoris at Waikato and the Upper Wanganui. A shameful document is extant in English blue-books. E. L. Humphries, Speaker of the Taranaki Provincial Council, on behalf of that body, pleaded in May, 1858, for Ihaia as having by his "friendly, honest character gained a foremost place in the esteem of the settlers. . . ." "If at any time he has evinced hostility to the government, he has always been actuated by a sincere desire to serve what he thought the cause of the settlers." He had committed a crime, but considering the circumstances, "and that it only took place after the government had for years abandoned all control over the natives, they cannot but express their opinion that the crime is in some measure shared by the more civilized race which compelled a rude people to return to their barbarous customs." The aid of the government was entreated to coerce the natives to sell their lands.[32] The terrors of the situation must have been great, or the greed for land immeasurable, when such words were penned by the Provincial Council of Taranaki.

Governor Browne had proclaimed in February that within a certain pale, at Taranaki, all persons unlawfully assembled with arms would be treated as in arms against the Queen. Troops were ready; militia were called out on the spot, and Mr. Humphries and his colleagues grumbled at the government for not coercing Te Rangitake. But a neutral policy was still maintained. Failing to storm, Te Rangitake prepared to burn the Karaka stockade; and Ihaia and his people offered to surrender to the British if the latter would save the women and children. But the perpetrator of murder on the Queen's territory could hardly be protected by the Queen's law. Ihaia drew off his people at night, making known his retreat by a loud farewell, while his allies from Wanganui and Mokau silently took up a

[32] The reply of the Governor to this part of the petition was that "in reference to a proposal to coerce a minority of native proprietors who might be disinclined to sell," he had already expressed his opinion "that such a course would be both unjust and impolitic; and Her Majesty's Government had conveyed to him in a despatch received by him the other day, their unqualified approval of his views." Fox quoted the Governor's despatch in the N.Z. House, 16th Aug., 1860. N.Z. Hansard, p. 333.

position in the abandoned pah in order to shoot the unsuspecting Te Rangitake and his friends on their entrance. The stratagem was discovered, terms of peace were agreed upon, Ihaia retired to the Mimi river, and there was again such peace as could be maintained in a land where time, which runs not against the Crown in England, was equally powerless against Maori revenge. Mr. Parris, Commissioner for the district, reported that, at the instigation of the Rev. Mr. Whiteley, he persuaded Te Rangitake and Ihaia to consent that the latter should leave the pah, and the former should then destroy it. With characteristic treachery Ihaia laid his plot to destroy Te Rangitake, and it was by the "opportune arrival" of Mr. Parris himself that the ambuscade was discovered and thwarted. Ihaia lived to take part in actions against his countrymen, and died in 1873. In a narrative written by one of those who sympathized with his strife against Katatore, it is stated that "one who knew him well declared that he was neither true to his race, his tribe, or to the British."[33] As Colonel Browne wrote frequently about Ihaia and the settlers who connived with him, it may be well to show the workings of the Governor's mind before he became mere clay in the hands of the ministry.

(22nd Jan., 1858.) "I have expressed strong disapprobation of the conduct of the gentleman who communicated with Ihaia after the murder, though in so doing I have little doubt he was actuated by the best motives. I regret our inability to vindicate the law by seizing Ihaia and his accomplices in his own district, but have desired that no communication should be held with them, and that they should be informed that if found within the English settlement the law will be allowed to take its usual course."

(6th April, 1858.) (While Ihaia, with from one to two hundred followers, was besieged by Te Rangitake with about 600), "as the settlers' sympathies are generally with the besieged, there is constant danger of collision between them and Te Rangitake. . . . Ihaia in his letter offers to surrender himself unconditionally to me, and submit to be tried by English law, the full consequences of which he

[33] History of "Taranaki." B. Wells, 1878. New Zealand.

seems not to have been aware of. . . . Should Ihaia be willing to go to the Chatham Islands, but persuasion prove ineffectual upon Te Rangitake, the civil authorities have been directed to appeal to the officer commanding, (whose instructions) are briefly to effect the removal of Ihaia and his party (for whom a vessel has been chartered), peaceably if possible, if not by force. . . . I have directed a gentleman in the Native Land Department to inform Te Rangitake that I adhere to my determination not to interfere with either party, but that I will not permit any more bloodshed." (17th May, 1858.)—"My anticipations have been fully realized (as regarded Te Rangitake), the chief who threatened to fire on the troops or any one else who attempted to interfere on behalf of Ihaia. Te Rangitake submitted at once to my decision in reference to the removal of Ihaia, but the latter having received reinforcement and promise of further aid, declined to accept the interference which he so earnestly solicited in his letter. . . . I should also add that the settlers openly avow their desire to possess the land which was the original cause, and is now the chief subject of dispute between the contending chiefs."

Just at that period (18th May), Mr. Richmond, the Native Minister, explained in Parliament "the views of the administration as to the government of the natives." Without a measure "to promote the acquisition by natives of individual titles, and to accelerate the extinction of the native title, we think that any native policy must be incomplete. . . . The Constitution Act reposes in the General Assembly an immense trust—a power which has been regarded with great jealousy by some friends of the natives. But I, sir, hold that the native needs no protector in this House." In sending this speech to the Secretary of State, the Governor wrote (7th June, 1858) that, with two exceptions, he agreed with it. "I entirely demur to the opinion that the natives need no protection. I know of no more practical proof of the incorrectness of this statement than the pressure which is daily brought to bear on the Executive Government by the inhabitants of New Plymouth (Taranaki): that it has been hitherto resisted redounds to the credit of the Executive, who know that I have both the

power and the will to support them; but if that power were surrendered no ministry could hold office in opposition to the wishes of the settlers, whether they were or were not in [illegible]ce with justice to the native race." On the 9th [illegible] 1858, the Governor transmitted a memorial from the [illegible]nts of New Plymouth, and said, with regard to a [illegible] that Ihaia and his congeners, in whom the settlers [illegible] deep interest," had been refused the assistance of the [illegible]ment:—

> [illegible] the gravamen of the complaint, and I therefore state distinctly [illegible] most anxious to acquire land at New Plymouth . . . to [illegible] desirable object I will, however, never permit land to be taken [illegible] consent of those to whom it belongs, nor will I interfere to [illegible] equitable division of common land among the respective [illegible] as desired by the memorialists. . . . This decision is not [illegible] expediency than of justice, for the whole of the Maori race [illegible] the right of the minority to prevent the sale of land held in [illegible] with the utmost jealousy. . . . Te Rangitake has no sort of [illegible] with me or the Colonial Government. We believe him to be an [illegible], but I will not permit the purchase of land over which [illegible] right without his consent."

[illegible] Oct., 1858, forwarding a memorandum signed by [illegible] Drummond, he contended against the "expediency of [illegible] the management of native affairs to the control [illegible] responsible minister which is inferred throughout [illegible] memorandum."

[illegible] this date it seems that Colonel Browne resisted [illegible] suasions of his advisers, and they were constrained [illegible] until they could seduce him into strife, from which, [illegible] committed to it, the gallantry of a soldier would [illegible] him from shrinking. His good genius prevailed [illegible] Mr. Carrington sent to England, through him (Nov., [illegible] letter urging "that the treaty of Waitangi, being [illegible] valuable to us, should be broken." The Governor [illegible] trouble the Secretary of State with any remarks [illegible] such a document." In March, 1859, Carrington [illegible] importuned Colonel Browne. He learned "with deep [illegible] that special instructions from Her Majesty preclude [illegible] Excellency from coercing a minority of the natives into [illegible] their lands,"—and that His Excellency, considering [illegible] "proceeding impolitic and unjust, would never [illegible] it." Carrington urged that it was cruel to prevent [illegible]y from "selling their equitable portion of waste

land, subject to the approval of the Chief Land Purchase Commissioner." The Governor replied that Her Majesty's government had conveyed to him an "unqualified approval of his views." He was therefore "unable to adopt" Carrington's. Thus he wrote on the 25th March. But already on the 8th he had been drawn into the unjust course he denounced, and Whitaker, the Attorney-General, laughed in his sleeve when he saw a soldier committed to a quarrel, which a morbid sense of honour might constrain him to pursue after it was found to be unjust.

The Governor's contention against his ministry, as shown by the foregoing citations from his despatches in June and October, 1858, calls for some description of the measures devised for control of Maori affairs. In the meshes of law both the rights of the natives and the conscience of the Governor might be inextricably confused. Bills to regulate the local affairs of native districts, and provide for administration of justice therein, were introduced. Mr. C. W. Richmond made an elaborate speech on the 18th May, 1858, on the native question. It was separately printed, circulated with his compliments, and forwarded by Colonel Browne to the Secretary of State. There were three courses open to the Government: (1) To recognise native customs; (2) To enforce British law; (3) To insinuate, or induce the acceptance of British law. The first was not worthy of adoption. Of the second Mr. Richmond said: "All rational settlers are agreed that here in New Zealand it is neither humane nor possible. The third, which was 'Sir G. Grey's view,' the Ministry would follow, avoiding his shortcomings. The labour was gigantic, but the British Governwere bound in honour and conscience to perform it. The Maoris, moreover, were a reasoning and reasonable people . . . by nature venerators of law . . . the structure of their society aristocratic, verging upon democratic. . . . They are not a people who brook despotic rule. They have always been accustomed to debate their affairs in popular assemblies. These are striking coincidences . . . striking resemblances to the Teutonic peoples." At Whaingaroa a law was declared to be "settled by the assessors of the Queen and the Governor." In Waikata alone six court-houses had been erected by the

Maoris for the European magistrate. The natives were "anxious and prepared for some better system, such as we are proposing." One grave question remained. "Without a measure to promote the acquisition of individual titles, and accelerate the extinction of the native title, any native policy must be incomplete." Mr. Richmond acknowledged the deep obligation of the government to the missionary body. "We have found amongst them our best counsellors and safest agents. We believe that the natives cannot be efficiently governed without their co-operation. We, at all events, have not attempted and shall not attempt to dispense with that co-operation." Alas! for the short-sightedness of man. Mr. Richmond was honoured by many friends. His judgment was deemed sound; and yet within two short years he was found vigorously hostile to the ablest and most distinguished of the body whom he had lauded as the best of counsellors; while the retired Chief Justice, Sir W. Martin, combined with Bishop Selwyn to seek justice for the Maoris aggrieved by Richmond's devices.

Under the Native Districts Regulation Bill, the Governor-in-Council—not the Governor—was empowered to proclaim districts and make regulations. Amongst the enumerated powers were "the suppression of injurious native customs," and "ascertaining, prescribing, and providing for the observance and enforcement of the rights, duties, and liabilities amongst themselves of tribes, communities, or individuals of the native race in relation to the use, occupation, and receipt of the profits of land and hereditaments." As far as possible, general assent of natives was to be obtained as the Governor might think fit; but the word of promise thus offered was counteracted by a provision that "the issue of any Order-in-Council shall be conclusive proof of such general assent to any regulation thereby made." If the Governor could be induced to sanction a wrong, Richmond and Whitaker deprived him of power to retract. The subjugation of the Governor to his advisers was the battle-ground taken up in the Legislative Council against the Bill. Ever, where Mr. Richmond's name was prominent as adverse to Maori rights and disloyal to the word of the Queen, the reader may remember that the

crafty Attorney-General was an unseen but potent accomplice. But vainly did Major Kenny, the Chief Justice, Mr. Swainson, and Colonel Wynyard oppose the Bill. The Attorney-General declared that if their "scheme of native policy were rejected it would be the duty of himself and his colleagues to at once tender their resignations." Chief Justice Arney nevertheless demanded information. The government must condescend to give particulars. He would not degrade himself to "a position something between a registration officer and a printer's devil." Mr. Swainson supported the Chief Justice. Whitaker placed upon the table what he described as "a vast mass of information," and the Bill was eventually passed.

A Bay of Islands Settlements Act was reserved for the Queen's pleasure, but powers were thrown upon the Governor and not upon his Council. The populous north, where the Ngapuhi dwelt, was more charily handled by his advisers than more distant places. But they carried through the House of Representatives an insidious measure to deprive the Maoris of the electoral franchise. They wished to annul all titles to land except grants from the Queen. As a step in that direction they provided that in future no man should vote except in right of property held by title derived from the Crown. But though the Representatives passed the clause, the Council demurred. Swainson, the late Attorney-General, declared that "it would be better for the Governor of New Zealand to cut off his right hand than to give such a measure the sanction of his name." Colonel Browne reported that the obnoxious clauses were rejected, and the natives were left to "enjoy the electoral privileges conferred on them by the Imperial Parliament." With his despatch narrating the failure of the attempt to disfranchise the Maoris the Governor forwarded lengthy minutes drawn up by Mr. Richmond and Mr. McLean. Richmond's paper (29th Sept., 1858) contained seventy-one paragraphs. It was a code for the control of the Governor as well as of the natives. Colonel Browne sent his own comments with Mr. Richmond's paper. The latter described the measures of the session of 1858, as "the first attempt of the colonists of New Zealand, in virtue of the powers of representative govern-

ment now conceded to them, to grapple with the difficulties of the native question." The presence of increased military force would "greatly forward any efforts for the permanent amelioration of the condition" of the Maoris. He defended the "Native Territorial Rights Bill," which the Governor had reserved for Her Majesty's pleasure. Donald McLean's protest against the Bill was recorded, and as it animadverted on a Draft Bill not passed, Mr. Richmond said that the Native Secretary was "quite unjustified in referring to it." The pith of the matter may be gathered from one sentence, and the Governor's comment on it. Mr. Richmond sneered at the "right of the natives" to what was "really a gratuitous concession by the government." The Legislature, he said, would "not trust Governor or ministers, both together, with any such extravagant discretion as an unlimited power of granting away the colonial territory in fee-simple." The Governor replied: "If the land of the Maoris can be shown to be 'colonial territory,' this remark might be admissible; but if the interpretation put upon the treaty of Waitangi by Her Majesty's Government be worth anything, the fallacy of the Treasurer's remarks is self-evident."

McLean contended, "in contradistinction to the views of his Excellency's responsible advisers," that the Governor should retain control of native affairs. The natives understood the principle which the Governor's power involved. It was of "paramount importance" to maintain it. "It must be admitted," he said, "that the most harmonious relations now subsist between the two races . . . serious inconvenience would ensue from conceding to the representatives of the settlers the entire control of native affairs, nor is it believed that the continuance of the present friendly relations is at all contingent upon such a concession." Colonel Browne advocated the maintenance of the Governor's powers; and enclosed remarks by Sir W. Martin on the whole question. The New Zealanders had constantly resisted, even to blood, any encroachment on their territorial rights; and Martin declared that they were not "less disposed to resist now."

The passage of the Territorial Rights Bill through the Legislative Council had been peculiar. The Governor

wrote that he had in March, 1857, shown his ministry a draft despatch recommending certain alterations in the Constitution Act. They wished him to withhold his despatch, and promised to introduce measures in the local legislature to effect the Governor's object—"to secure to individual natives by a Crown title lands belonging to themselves." He acceded to their wish, but was surprised to find in their Bill restrictions to which he could not consent. He told them so. They persuaded him to let them inform the Legislative Council that he approved their other measures, and conceal his disapproval of the Territorial Rights Bill. The other Bills, thus vouched, were passed after severe debate; the ministry threatening to resign if they were defeated. They withdrew this threat[84] as to the Territorial Rights Bill, but concealed the Governor's disapproval of it. The Bill was passed with amendments, and the Governor, in recommending a further amendment, added that it was "proper to state that he entertained objections to some of the provisions of the Bill which would prevent him from recommending it for Her Majesty's gracious allowance; objections of which the Governor's advisers were made aware before the introduction of the Bill." There were murmurs at the past deception, but the Bill passed through its last local ordeal. Mr. C. W. Richmond pleaded that it would have been unconstitutional to refer to the Governor's opinions earlier than he did: but as he had dwelt upon the Governor's approval of the other Bills, the excuse convinced no one. Colonel Browne kept faith by recommending that the Queen's assent should not be accorded; and he warned the Secretary of State that if the Crown had insisted on a proprietary right to all unoccupied land when the Queen's authority was proclaimed, "it could only have been established by a war of extermination; and even now, if such a claim were openly preferred, there is scarcely a chief from the North Cape to Queen Charlotte's Sound who would not rise in arms against us, and feel it a duty to do so." The despatch which explained how the ministry tricked the Assembly with the Governor's name was shown by him to

[84] Whitaker told the Council that enough Bills on native subjects had been supported to release ministers "from any necessity of resigning office should this particular one be rejected."

[illegible] the [illegible] appointed the Attorney-General [illegible] memorandum impugning the [illegible] statements [illegible] the substantial accuracy of [illegible] the [illegible] Chief Justice Arnold. Mr. [illegible] himself [illegible] causing reference to [illegible] he [illegible] that the Governor [illegible] Soon after the passing of his [illegible] seemed, it came as well as fact. [illegible] affairs.

[illegible] received Colonel Browne's [illegible] Derby, who succeeded to power [illegible] supposed to be ready to change [illegible] release the pseudo-Napoleon. Sir [illegible] Secretary, and the Earl of [illegible] Secretary, answered Colonel Browne [illegible] before the Derby ministry was [illegible] Palmerston. In defiance of [illegible] against subjecting the Governor [illegible] questions, it would have been [illegible] approve the Territorial Rights [illegible] Lord Carnarvon could not [illegible] Regulation Bill in its [illegible] Governor-in-Council with [illegible] "that remarkable [illegible] secure to the Crown its [illegible] Both to disallow the [illegible] left it to its operation so [illegible] might amend it by enacting that [illegible] should be subject to disallowance by

[illegible] discussed in 1888 deserves notice. The [illegible] resolution that the opinion of the [illegible] should be asked for on the claims [illegible] under the 7th and 42nd [illegible] to votes for members of [illegible] the opinion seemed unnecessary, [illegible] transmitted by the Governor [illegible] the law officers it was stated that [illegible] upon swamping the European [illegible] over by the very simple

expedient" devised by the ministry of providing that "no estate should confer a qualification unless held or occupied by title derived from the Crown." Sir Richard Bethell and Sir H. Keating gave their opinion (Dec., 1859). They did not refer to the treaty of Waitangi imparting "all the rights and privileges of British subjects" to all Maoris. With technical slipperiness which can close the eye upon principle and open it wide upon expediency, they said that "freehold estate" and "leasehold estate" were "terms of art in English law," and supposed "the establishment of the English law of tenures." They decided that "natives cannot have such possession of any land used or occupied by them in common as tribes or communities, and not held under title derived from the Crown as would qualify them to become voters." For electoral purposes it was convenient to maintain the existence of a tribal right differing from English tenure. For other purposes it was convenient to reject it.

Lord Carnarvon's despatch disallowing the Native Territorial Rights Bill reached the Governor in July, 1859. About that time a member of the Auckland Provincial Council, Mr. Buckland, said that settlers were called on for sacrifice "to sympathy for the natives, and all that kind of humbug. The settlers had no room for their stock, and would be obliged to set government at defiance. . . . It was impossible to prevent the Anglo-Saxon overcoming the natives; and the Europeans, if they could not get land with the consent, must get it without the consent of the government." Colonel Browne declared that the "immediate consequence of any attempt to acquire Maori lands without previously extinguishing the native title to the satisfaction of all having an interest in them would be an universal outbreak, in which many innocent Europeans would perish, and colonization would be infinitely retarded, but the native race would be eventually extirpated."

While yet not under complete control of his wily advisers, Colonel Browne summed up his experience thus:—Besides mountain and forest there was in the North Island "some valuable land greatly in excess of all the possible wants" of the Maoris. "The Europeans covet these lands, and are determined to enter in and possess them—*recte si possint, si*

[illegible] facilitate [illegible] to natives, [illegible] districts; (2) to [illegible] to provide [illegible] owners. [illegible] that the last [illegible] magistrate to [illegible] draught [illegible] the Stafford [illegible] of their [illegible] which [illegible] ministry of plotting to [illegible] this conferred powers on [illegible] because the Maoris could have no confidence [illegible] Council, the Governor objected to them. Mr. Sewell's [illegible] Bill, on the other hand, contemplated the appointment of a Native Council appointed

* Colonel Browne to Secretary of State, 20th Sept., 1859.
Ibid.

by the Crown, but removable by the Governor on address of both Houses.[37] Mr. Richmond, as scribe for his colleagues, declared such a Council inadmissible. The Governor asked for a permanent Council on native affairs composed of seven members, appointed by the Crown. Five should be nominated by the Governor; two might be nominated by the ministers. So oscillating were his ideas that though the text of his despatch contained this proposal, he appended a note declaring the expediency of it to be "somewhat doubtful." He urged that if such men as Bishop Selwyn and Dr. Martin could be induced to occupy unpaid seats in such a Council, "calumny would fall harmless and unheeded, while the presence of men so well known and so thoroughly trusted by the Maoris would secure to it an influence which no other European body could possibly acquire."[38] Even the insidious articles in the colonial press "headed 'extinction of the native race,' coupled with attacks on Sir G. Grey and the Native Department," would be futile against such men. Collision was inevitable unless remedial measures could be devised, and he begged that, as recommended by Martin and Swainson, the Parliament would intervene. If Imperial legislation should be refused, a Draft Bill might be prepared in England, and he might transmit it to the Assembly by message. To support himself Colonel Browne sent (with Mr. Richmond's objections) written opinions from the Bishop, Dr. Martin, from the Assistant Native Secretary (in the absence of Mr. McLean, whose concurrence was known), from Mr. Swainson, from Archdeacon Kipling, from the Secretary of the Church Missionary Society, and from the Chairman of the Wesleyan Mission. As opposed to them he subsequently transmitted a document signed by nine persons, nearly all of whom were members of the Provincial Council of Auckland or of the General Assembly. They "feared that deep dissatisfaction would be engendered" among the

[37] The Governor remarked, "This would lead to an annual debate, though nothing would come of it."

[38] On the 2nd June, 1859, the Governor wrote that Martin held the "enviable distinction of being universally respected by all parties and both races. . . . It would be difficult to add to the esteem which has accompanied him in his retirement from public life."

Maoris because the Native Territorial Rights Bill had not been assented to (a statement which the Governor contradicted). They declared that the land law had "notoriously failed." Colonel Browne retorted by pointing out that 32,000,000 acres had been acquired under it in the Middle Island at an almost nominal price, and about 7,000,000 or 8,000,000 of acres in the Northern Island. They scouted the idea of a conflict with the Maoris, affirming peace to be "absolutely secure provided the natives be treated with justice, and deprived of none of their natural rights." They were refuted by the Governor and by the Assistant Native Secretary, Mr. T. H. Smith. The Governor repeated (Nov., 1859) that the only remedy for existing evils was the adoption of the plan he had urged, viz., the appointment by the Crown of a Native Council comprising such venerated names as those of Bishop Selwyn and Dr. Martin.

But he had already been seduced into a career at Taranaki which would have marred their counsels. There, where the Pakeha lusted with more than common appetite for Maori lands, where feuds had rent the Maori mind, and where even the murderer Ihaia had been commended by the Provincial Council for "a friendly, honest character, which earned him a foremost place in the esteem of the settlers" Governor Browne had entered upon a path strewn with [illegible] and shame. He went thither in March, 1859, and was welcomed by Pakeha and Maori. The settlers thanked him for his "expressed anxiety to promote the further acquisition of land from the natives." He told them he would act in that respect so far as he could do so "without compromising the neutrality which he had determined to observe in all native quarrels." He "found the settlers [illegible] anxious that favour should be shown to Ihaia." He declared him "firm determination to remain entirely neutral in this and all other native feuds, and to purchase no land without the consent of all who had a claim on it." Nevertheless he granted an annuity to Ihaia, declining "to [illegible] further in his favour." On the 8th March the [illegible] him. Te Rangitake was amongst them. [illegible] through the mouth of the Native Secre- [illegible] and that he would punish any violence com-

mitted by Maori or Pakeha within the European boundaries. Donald McLean and C. W. Richmond were present. A Maori named Teira (Taylor) offered to sell some land on the south bank of the Waitara; and, prompted by those who wished to entrap the Governor, "pressed for an immediate answer." The Governor replied that if a satisfactory title could be given he would "accept the offer. . . . Te Rangitake then rose, and, while admitting no claim to it, said he would never permit that land to be sold; then waving his hand to his people, he and they left the meeting with some want of courtesy to myself." Malign influences were already working upon the man who had avowed his determination to "maintain inviolate the right of the Maoris to their land," had warned the Secretary of State against yielding power over native affairs to "gentlemen liable to the pressure of public opinion," and had in October, 1858, repudiated the views of Mr. Richmond on Maori affairs. He wrote in March: "Any recognition of such a power as that assumed by Te Rangitake would be unjust to both races, because it would be the means of keeping millions of acres waste and out of cultivation. I have, however, little fear that he will venture to resort to violence to maintain his assumed right, and I have made every preparation to enforce obedience should he presume to do so." Such was the language in which Governor Browne reported an act which was a renunciation of the treaty of Waitangi, and a declaration of war. In a later despatch (Dec., 1860) he more graphically described the scene. "Te Rangitake, before addressing the Governor, said to his people, 'I will only say a few words, and then we will depart,' to which they assented. He then said, 'Listen, Governor! Notwithstanding Teira's offer I will not permit the sale of Waitara to the Pakeha. Waitara is in my hands; I will not give it up: Ekore, Ekore, Ekore! (I will not, I will not, I will not.) I have spoken!' And turning to his tribe, added 'Arise, let us go;' whereupon he and his followers abruptly withdrew." Colonel Browne's conduct after this occurrence was incongruous with his previous assurances to the Home government and his contentions with his ministry. All were acquainted with Te Rangitake's claims. The government possessed a letter

written by him to Captain Fitzroy in June, 1844, declaring: "This is the determination of our people, Waitara shall not be given up. . . ." Nay, more, lest it should be thought that so old a letter might have escaped recollection or have been unknown to Browne, there was a letter written by Te Rangitake to Browne himself (11th Feb., 1859) a few days before the scene with Teira. In that document he defined the boundaries within which he objected to alienation of land. "These lands will not be given by us into your hands, lest we become like the birds of the sea which are resting on a rock. When the tide flows, that rock is covered by the sea. The birds fly away because there is no resting-place for them. . . . My word is not a new word; it is an old word. Governor Hobson heard it; Governor Fitzroy, and Governor Grey; and when you came, O Governor Browne, my word was still the same. You, O Mr. McLean, are aware of that word of mine at the time of your first arrival here, when you saw me. The same was the word to you. I will not give you the land."

Mr. Richmond, and even McLean, afterwards asserted that when Teira threw a mat at the Governor's feet in token of parting with his land, Te Rangitake was bound, by Maori usage, to pick it up if he objected to the sale. Such a plea needs no confutation. His protest could not have been more forcible than it was. It was made to the Governor, not to his clansman, and his words were clear.[39] That Colonel Browne understood Te Rangitake's dissent was proved by his depatch (29th March), narrating the occurrence, and saying that he had "made every preparation to enforce obedience." These preparations the ministry abetted. The Governor's admirers denied that he yielded to pressure. They said he was inflexible. But a man may be determined without arrogating a faculty of solving questions of Maori ownership, and it was adroitly urged upon him that the Queen's supremacy was involved. After arriving at such a conclusion the duty of the soldier was clear to his mind, and he pounced upon his quarry. Mr.

[39] Renata Tamakihikurangi for the Ngatikahungunu tribe, declared:—"This is the Maori's most emphatic mode of denial; to say his say, get up and go, that it may be known that he will never consent." (Published letter, 1861.)

Richmond averred in 1878, that he "attended the meeting merely as a spectator, and that, in his belief, only two Europeans in New Plymouth" knew of Teira's intention to offer the block. By his own admission, therefore, there was knowledge, if not complicity. He added, "The Governor turned to McLean and asked if he would accept the block. McLean said, 'Yes, your Excellency, I think so.' The Governor then spoke to me, asking, 'What do you say, Richmond?' I replied, 'Certainly, sir, if there is a good title.' Then Teira was allowed to advance, and laid a mat at the Governor's feet." In the same paper Mr. Richmond scouted the idea that it was reserved for Sir G. Grey's agents to discover in 1863 that Rangitake's friends were resident on the block when Colonel Browne accepted it. "Everybody knew there were pahs. . . Bell and I wrote an explanation showing that Te Rangitake's small pah was put up by the consent of the selling party." Only mental hallucination can accept Mr. Richmond's explanation as relieving him from moral, even if unintentional, responsibility for the seizure of the block. He was appealed to by the Governor before the latter allowed Teira to make formal tender of the land. He was, with Whitaker,[40] consulted as a lawyer on the matter; and he knew that there were pahs on the land. Nevertheless, no steps were taken to adhere to what the Native Minister in 1863 (Mr. F. D. Bell) declared was the "almost invariable practice," *i.e.*, to "name the reserves in any deeds of sale." It is fair to print Mr. Richmond's explanation, but it in no way exculpates him. Donald McLean was an accomplice. In 1844 he reported the good effect of Fitzroy's reversal of Spain's award. He had seen Te Rangitake's letter to Fitzroy, declaring, in 1844, that Waitara should not be sold. He knew the tenacity of Te Rangitake to the land, and the causes of that tenacity. He could not have been ignorant that as the Ariki of the tribe Te Rangitake had power to forbid the sale.[41] He had in 1858 aided Colonel Browne in resisting the encroach-

[40] MS. drawn up by Mr. Richmond in 1878. "He talked to Whitaker and myself on this particular more as lawyers." The absurd deed of sale which "the lawyers" relied upon is in a Blue Book, No. 1341 of 1861. It had nineteen signatures, six of which were those of women.

[41] *Vide* Mr. Maning's opinion, *ante* p. 17, and pp. 263-385, Vol. I.

ment of the ministry upon the functions of the Governor with regard to Maori affairs; but he had found the masters of the purse too strong for him. His previous experience and principles were abandoned in 1859. He afterwards, on plea of indisposition, left negotiation to Mr. Parris; but there were some who hinted that he wished to avoid complicity in a matter which, in his heart, he knew to be wrong.

In addition to general reasons which prompted Te Rangitake to cling to his land, other causes excited him, and prompted Teira. There was a deathbed injunction to Te Rangitake from his father. Dr. Featherston alluded to it in debate in August, 1860.

Blind to the gravity of the situation, Colonel Browne said in his first despatch on the subject: "I venture to think that my visit to Taranaki has been useful. . . . If the land now under negotiation can be obtained legitimately, and without breach of Maori ideas of right, I have little doubt that other tracts of land will be offered for sale, and I shall thus be able to satisfy the demands of all moderate men among the settlers." He forgot that he had recently told the Taranaki Provincial Council that he could not favour their "proposal to coerce a minority of native proprietors who might be disinclined to sell their land," the acquisition of which had been the absorbing subject at Taranaki. A resident, who published a narrative in 1861, declared: "The most frequent topic of discussion with both natives and Europeans was about the *land*; and the boasting assertion was continually made by the latter: "*The Waitara will be ours before long*." This being the fact, the government could not but foresee the consequence of their conduct. From Auckland a Secretary wrote to Te Rangitake (2nd April, 1859), that Teira's land would be bought by the Governor. "The Governor's rule is for each man to have the word about his own land: that of a man who has no claim will not be listened to. This is merely written to let you know the word of the Governor in answer to Te Teira's and Te Retimana's letter." Te Rangitake wrote to the Governor (25th April, 1859):

"Friend, salutations to you. Your letter has reached me about Te Teira's and Te Retimana's thoughts. I will not agree to our bedroom

being sold (I mean Waitara here), for this bed belongs to the whole of us; and do not you be in haste to give the money. Hearken to my word. If you give the money secretly you will get no land for it. You may insist, but I will never agree. Do not suppose that this is folly on my part; no, it is true. . . . I have no new proposal to make either as regards selling or anything else. All I have to say to you, O Governor, is that none of this land will be given to you—never, never, not till I die. I have been told that I am to be imprisoned. . . . I am very sad because of this word. Why is it? You should remember that the Pakehas and the Maoris are living quietly upon their pieces of land, and therefore do not disturb them. . . ."

There was much dispute about the term "mana," which was variously interpreted as seignorial, manorial, or feudal. Some Europeans flippantly declared that it was borrowed from the English idea of sovereignty. That some control resided in the principal chief was well known. Mr. Spain, in 1844, found Rauparaha's dissent omnipotent as to a purchase contemplated at Ohau near Otaki, and abandoned it in consequence.[42] But Colonel Browne's good genius was silenced, and he was enmeshed in the sinister designs of others. Looming large over all scattered doubts he and his advisers had the opinion of the Board of Inquiry of 1856; and the man must have been mad, or full of dangerous designs, who, in defiance of that opinion, could urge the Governor to set aside the claims of Te Rangitake to a voice in the disposal of tribal lands. They examined many witnesses—they were experts themselves—and they said:—"Each native has a right in common with the whole tribe over the disposal of the land of the tribe, and has an individual right to such portions as he or his parents may have regularly used for cultivations, for dwellings, for gathering edible berries, for snaring birds or rats, or as pig runs. This individual right does not amount to a right of disposal to Europeans as a general rule. . . . Generally, there is no such thing as an individual claim clear and independent of the tribal right. The chiefs exercise an influence in the disposal of the land, but have only an individual claim, like the rest of the people, to particular portions."

No one could deny the claims of Te Rangitake. Mr. Spain called him in 1844 "the principal young chief of the place, at Waiwetu;" and on the return of the Ngatiawa to

[42] *Vide* p. 365, Vol. I., and Mr. Maning's opinion at p. 17 *supra n.*

their ancestral homes and consecrated grounds he was the leader acknowledged alike by Pakeha and Maori. When a protest from Bishop Selwyn reached the Governor, in April, 1860, there was still room for honourable escape from the false position into which he had been hurried. But he enslaved himself to advisers who longed to raise a feud between Pakeha and Maori, and one of whom (Mr. C. W. Richmond) as regarded the title to the lands, thus echoed in the General Assembly in Aug., 1860, the clamour of the Taranaki settlers:—"Sir, I know nothing about 'mana,' and I don't care to know anything. . . . I say I know nothing of Maori 'mana,' and in the present case I care nothing about it.[43] . . Te Rangitake's title (if he had the best of the world) is merged in his rebellion. . . . We did not mean to buy unless with the consent of all. But suppose that through their own contumacy, or say even through our own neglect, some are left out, what does common sense tell us is substantial justice? I say substantial justice is partition; and if they can't agree among themselves their boundaries ought to be settled for them by a higher power." On a later day his brother and supporter (Mr. J. C. Richmond) declared that he sympathized with the Taranaki Provincial Council's petition, and that "it was well perhaps to have the war come whilst the settlers' eyes were open.[44]

It was not known at the time, but was ascertained afterwards, that the Governor, having assumed the position of land-purchaser, personally pushed the matter forward. Parris having reported that the purchase could not be safely completed in the face of opposing claims, Colonel Browne wrote (27th Aug., 1859): "Instructions should be sent to Taranaki to close the purchase of Teira's land, which was commenced when I was there, without delay if

[43] See p. 93 in this volume.

[44] The text which Mr. J. C. Richmond justified was thus embodied in the Taranaki Provincial Council Petition of 1858:—"The system heretofore adopted by Government of requiring the assent of every claimant to any piece of land before a purchase is made, has been found to operate most injuriously in this province on account of the conflicting interests of the claimants. . . . Such of the natives as are williug to dispose of their proportion of any common land to the Government should be permitted to do so, whether such natives form a majority, or only a large minority, of the claimants. . . ."

possible. There is little chance of Mr. McLean reaching Taranaki for some time." Mr. Richmond's claws were shown at the same date. He wrote to Parris: "The Governor is very anxious about the completion of the purchase from Teira. I am sure you will press the matter as fast as appears prudent. It will satisfy His Excellency if, without writing officially, you will let me hear privately how the matter stands. I have been in hopes that Mr. McLean's visit would effect something, but he delays so long. . . . The Governor feels pledged to effect the purchase." Against such influences what could Parris do? He had vainly warned the Government privately and publicly. Against such a plotter how could Governor Browne be armed? Only on the ground that he had become docile to his tempters can his conduct be accounted for. Parris himself was well aware that undue influence was brought to bear against Te Rangitake by the local friends of Ihaia. A letter from Parris to Bishop Selwyn (26th Aug., 1858) was produced in after years in the General Assembly, containing these words: "Lest I should be charged with partiality to natives of that denomination, because I refuse to support or countenance dishonourable and treacherous treatment of Te Rangitake and his people, to exterminate them from the Waitara in accordance with Mr. Turton's peremptory plan for the acquirement of that delightful and much-coveted district."

Mr. Turton's sympathizers found in 1859 the machinery with which to work their will, and Parris, pushed on by desire to please the Governor, the Native Minister, the Attorney-General, the Taranaki Provincial Council and settlers, pursued the course which a year before he had called "dishonourable and treacherous." Free from pressure, he might have made known the facts which Sir G. Grey discovered in 1863, and which established Te Rangitake's occupying, as well as tribal and chieftain's, rights. He could easily have ascertained, as a court of justice afterwards ascertained, that the pretensions of Teira were worthless. In after years a decision on the case of the Rangitikei-Manawatu block proved conclusively that according to well-known Maori usage—and the treaty of Waitangi guaranteed to the chiefs and tribes all such

[illegible]—Rangitake's people, settled by consent of the tribe on the south of the Waitara river, acquired rights of ownership by the fact of settlement, even if no previous tribal rights existed, as they were admitted to exist at Waitara. The judgment of the Court was, after many weeks of trial, pronounced by no less an authority than Mr. Maning, the author of "Old New Zealand." But it was not pronounced until 1869, and long before that time the flower of New Zealand warriordom had fallen in the war begun at Waitara, or had been expelled from desolated hearths. Such a trial as that of the Rangitikei-Manawatu claims was all that Bishop Selwyn, the ex-Chief Justice, and other friends of the Maoris demanded for the case at Waitara, but their petitions were set aside. When, not intentionally but inadvertently, a government afforded an opportunity for the eye of the law to be fixed upon the case, the rights which [illegible] and his colleagues had spurned were shown to be incontestable.

To [illegible] was referred to Mr. Parris, but having [illegible] to the Queen's representative, made no [illegible] in whom he saw the tool of the [illegible] at Taranaki, and of C. W. Richmond, a [illegible] and of the Government. The [illegible] New Zealand Legislature show that Te [illegible] the attempt to fasten a quarrel [illegible] 1869, he wrote to Archdeacon Hadfield [illegible] the colonists in 1843):—

> [illegible] against me. This is what he said to [illegible] Although his word has been revealed that I am [illegible] I withhold the land, inasmuch as the with- [illegible] the greatest of offences, and for this [illegible] of all the Europeans, that I am the worst [illegible] wherein consists my guilt. If I had [illegible] to Europeans, then my fault would have been [illegible] Europeans, then my accusation would have [illegible] guilt to me (or are forcing me to become [illegible] in the obduracy of this Pakeha (Parris). [illegible] that I am to be shot and buried, not in

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[illegible] this expression to the House, explained that [illegible] of this phrase was, "I was the means of [illegible] significance of it was highly offensive, not [illegible] addressed to a New Zealand chief, a [illegible] dependence was galling.

the burial-place, but outside in the cultivations, with the burial of an ass. . . . I thought you might have influence with the Governor and Mr. McLean to cause Parris' proceedings to be stopped with reference to the Waitara."

But Mr. Richmond was as obdurate as Parris. The latter told Te Rangitake (25th Nov., 1859) that he intended to pay Teira a portion of the purchase-money. He invited Te Rangitake to meet Teira to discuss the matter. With some thirty armed followers the chief attended (29th Nov.) Parris said the discussion was conducted in an orderly manner, before a large number of Europeans. As Richmond and his friends affected to justify their conduct by alleging the absence of proof of title by Te Rangitake at this meeting, Parris' report of it, with the commentary of Mr. Forsaith, long and well acquainted with Maori language and custom, deserve to be recorded.

"Te Rangitake," Mr. Parris wrote, "avowed his determination to oppose the sale, without advancing any reason for so doing. Upon which I put a series of questions to him, which I called upon the Rev. Mr. Whiteley to witness.

"'*Q*. Does the land belong to Teira and party?—*A*. Yes, the land is theirs, but I will not let them sell it.'[46]

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[46] Te Rangitake's friends averred that he did not say "the land is 'ratou,' theirs, but 'matou,' ours." It is proper to mention the assertion, together with the fact that Mr. Whiteley certified to the accuracy of Parris' version. It is not necessary to believe that either version was wilfully erroneous. It is morally certain, however, that Parris and Whiteley were wrong, because, within a week of the occurrence, Te Rangitake wrote thus to Archdeacon Hadfield: The Pakehas say "(Mr. Parris, Mr. Whiteley, and the Governor) that to Te Teira only belongs this piece of land. No; it belongs to *us* all (kahore, no *matou* katoa). It belongs to the orphan. It belongs to the widow." As the chief was, according to Parris, very resolute at the interview, it is unlikely that he kept back any part of the contention which he almost immediately put in writing, and which was in keeping with all his language before and after 1859. Bishop Selwyn (in 1849) extolled the "delicate use of the exclusive and inclusive pronoun" so powerful in Maori speech. If they misreported Te Rangitake wilfully, Parris and his coadjutor were open to the charge of putting the pronouns to a very different use. It will be seen, however, that Mr. Whiteley was content with a very rough translation of a proclamation of martial law.

Referring to the case (in the New Zealand Parliament) in 1881, Mr. Swanson, an old colonist, said—"It was nothing but an attempt to rob Te Rangitake of his land, one of the most unjust things ever done, and it was proved to be unjust, and the land had to be given back to him. Why, the very *Gazettes* were falsified. The Maori was on one side and the English on the other, and there were falsehoods on the face of it. The English said, 'The land is Teira's, but I will not allow it to be sold.' What was

"'*Q.* Why will you oppose their selling what is their own?—*A.* Because I do not wish that the land should be disturbed; and though they have floated it, I will not let it go to sea.

"'*Q.* Show me the correctness or justice of your opposition.—*A.* It is enough. Parris, their bellies are full with the sight of the money you have promised them; but don't give it to them. If you do, I won't let you have the land, but will take it and cultivate it myself.'

"Teira stops in town since he received the instalment, considering it not safe to stop at Waitara."[47]

In August, 1860, Mr. Forsaith said in the House at Auckland: "I stake my reputation for some little acquaintance with the native language and mode of expression upon the assertion that the question and answer are perfectly compatible with the existence of a claim on the part of Te Rangitake. . . I must now refer to Te Rangitake's own account of the transaction. . . . dated 5th Dec., 1859. I quote the following extracts: "Friend, listen to me, this is my saying, that you may explain to me the policy of the new Governor. I heard from Mr. Parris on the occasion of my going to town to prevent the money of the Governor being given for Waitara (£100). I said to him (Parris), "Friend, keep your money." He answered me, "I will not." I replied, "There will be no land upon which your money can alight."' The word in the original is very significant—'taunga.' I don't recollect ever seeing it used in this sense before. It means the fluttering of a bird over the spot on which it is about to perch. 'Upon which he (Mr. Parris) answered, "This is wrong. When the Governor comes it

on the Maori side? 'The land was Teira's, but it is no more his property than the property of the rest of us, and I will not allow it to be sold'—which made all the difference. . . . I speak warmly, for I know something of this matter."—*N.Z. Hansard*, 1881, vol. 40, p. 359.

[47] [1894.—It is difficult to imagine that Parris was so ignorant as to believe that Teira had any right of sale of the Waitara block.

His accomplice, Teira (according to the *New Zealand Herald*, 20th Sept., 1882), seems to have confessed, if he did not repent. That paper, in a notice of Teira's death, stated:—"One of our reporters, who attended the Waitara meeting in 1879, interviewed Teira, and found him quite frank and disposed to talk. He acknowleged that he had done wrong in insisting on the sale of Waitara in spite of Te Rangitake."

One cannot but pity Colonel Browne for having been duped.

The imposture may appear to some persons so manifest as to require no further exposure, but the conspirators were so many, their devices and excuses so unscrupulous, and their opportunities of poisoning the sources of information so widely availed of, that it is proper to make a full and impregnable statement.]

will be very wrong."' It is difficult to say whether there is not an implied threat here: the original might perhaps without violence be rendered thus: 'This is very wrong, and so you will find it when the Governor comes.' 'I replied, "Be it so. It is for you to bring me the wrong, *i.e.*, you must be the aggressor. Enough for me, I keep the land." I also said to him, "Land that is obdurate (pakeke), *i.e.*, disputed land, the Governor is not desirous of having." He replied, "That was formerly, but now the Governor has a new method." My belief is, the Governor is seeking to quarrel, as he is putting death before me. Therefore I ask you to enlighten me, as you have perhaps heard of the Governor's new method or policy: . . . Listen, the land will not be given up by me. If the Governor, without cause attacks me, and I am killed, then there will be no help for it, because it is an old saying, "the man first, the land afterwards," *i.e.*, first kill, and then take possession. Therefore I make known my words to you, that you may quietly understand my offence, and also the offence of all the Europeans, of Mr. Parris, of Mr. Whiteley, of the Governor. They say this piece of land belongs only to Teira. But it is not so; it belongs to us all—to the orphans and widows this piece of land belongs.'"

Volumes have been written, weeks have been spent in discussing the origin of the Taranaki war; but, after all, it is best understood by study of this letter from the Maori chief. He might not be able to name the chief conspirator, but he knew that guilt was being brought to his door.

As to the "mana" of a chief, Mr. Forsaith declared that Mr. C. W. Richmond, "in pooh-poohing it, was arraying himself not only against a principle which, however ill-defined and uncertain, does nevertheless obtain, but also against the policy of former governments, which in many instances have recognized and acted on the admission of this principle."

The Governor (25th Jan., 1860) reminding the Secretary of State that his Taranaki measures had been approved in England, described Mr. Parris' conduct, and stated that he had directed the land to be surveyed in the usual manner. "Rumours have reached me that the survey will be

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which, in point of fact, amounts to a declaration of war on the 25th Jan."[48]

The plot which was "to bring guilt to the door" of Te Rangitake was complete in every particular when the Governor wrote to the Duke of Newcastle. Transmitting a copy of the proclamation he said:—"I trouble your Grace with the present despatch only as a matter of information, and trust it may not be necessary to refer to it again." His next despatch (27th Feb.) announced that "contrary to his expectations, the chief Te Rangitake had resisted the survey of the land." No violence had been offered. Women had defeated the survey party.[49] The Governor was mustering forces, and going in person to the scene of action. After the stoppage of the survey, Colonel Murray wrote to Te Rangitake, saying that he must occupy the disputed land with soldiers unless resistance was abandoned; but that he was most anxious that there should be peace, and that the chief should cease to rebel. The answer was decided:—

". . . You say that we have been guilty of rebellion against the Queen, but we consider that we have not, because the Governor has said he will not entertain offers of land which are disputed. The Governor has also said that it is not right for one man to sell land to Europeans, but that all the people should consent. You are now disregarding the good law of the Governor, and adopting a bad law. This is my word to you. I

[48] Mr. Stafford, from whose office the original proclamation emanated, defended the translation on the ground that honourable members might remember how hard it was to re-translate passages at school, and he read certificates from Mr. Whiteley and Mr. Turton to the effect that Parris showed the translation to them before it was sent to the press, and they approved of it. If their object was to create war they might reasonably approve. This notable document was forwarded by Mr. Stafford to the officer in command at Taranaki, with the name of the Queen (taken in vain) at its foot. Colonel Browne himself expressly requested Colonel Gold, commanding the troops in the colony, to give the necessary instructions to his subordinate at Taranaki. Mr. Carleton, referring to the letters (produced by Stafford) defending the translation, declared that "the overwhelming weight of opinion amongst the best Maori scholars was against them."

[49] The "Southern Cross" newspaper reported that the surveyor with his theodolite was embraced by one of the old creatures, the chain was removed by another, and the surveying party—ignominiously overcome—abandoned its task. A Maori clergyman (Rev. Riwai te Ahau) said, "It was the wife of Patukakariki, and their own two daughters and some other women of their hapus, who drew off the Governor's surveyors from their own pieces of land."

have no desire for evil, but, on the contrary, have great love for the Europeans and Maoris. Listen; my love is this. You and Parris put a stop to your proceedings, that your love for the Europeans and Maoris may be true. I have heard that you are coming to Waitara with soldiers; and therefore I know that you are angry with me. Is this your love for me, to bring soldiers to Waitara? This is not love; it is anger. I do not wish for anger; all that I want is the land. All the Governors and the Europeans have heard my word, which is, that I will hold the land. That is all. Write to me. Peace be with you."

Before leaving Auckland the Governor (by letters to Potatau and to other chiefs) upbraided Te Rangitake.

On the 1st March he reached Taranaki and sent for the chief, offering him a written promise of safety. Mr. Whiteley and Messrs. Parris and Rogan carried the offer, and Te Rangitake promised to answer on the following day. The Governor's pledge was to be "good from this day (1st March) until the night of the 3rd March, 1860." On the 2nd Te Rangitake wrote:—"Friend Governor, I received your message requesting me to go to town to see you. . . . Listen, in days gone by things were different than from what they are now. I could then have gone to town to see you; but now I am afraid of your force, because you have brought soldiers with you to the town, and therefore I think you are angry with me." He was anxious for peace, and asked if the Governor would come to the Kaipakopako, "where we can see each other." His caution was not unnatural. One Governor had seized Rauparaha by stealth, and Browne himself had granted an amnesty to the murderer of Katatore. The Governor (2nd March) told the Duke of Newcastle that Te Rangitake's letter was only a mockery. He "still had hopes of being able to avoid bloodshed." On the 3rd March he directed Colonel Gold (65th Regt.) to take possession of the land, and proposed that a block-house should be built in a commanding position. Collision was to be avoided, if possible, because Maoris attached importance to the first blood shed; and many tribes might join the chief in demanding "utu" if he could show that he had not been the aggressor. Settlers at Tataraimaka were summoned to Taranaki, and block-houses were built.

Mr. Richmond was informed by Mr. Turton (Te Rangitake's old opponent) that help was looked for from Waikato, but that if blood were shed the Taranaki natives would fight for Rangitake at once. That chief in one night built a

pah and stopped an escort. On the 6th March the Governor told him to destroy the pah. Firing would commence in twenty minutes unless the order were obeyed. The pah was evacuated and was immediately burnt by the troops. Browne reported that it contained traverses, and was "extraordinarily well designed." On the 13th and 14th March the boundaries of the Waitara land were surveyed under military protection. On the night of the 15th Rangitake built a pah upon it, and on the following day, pulled up the surveyors' pegs and made fires along the line. Colonel Gold, with howitzers, proceeded to attack the pah on the 17th—summoning its garrison thus, in a note borne by Mr. Parris:—"Misguided people, your pah is invested. Surrender at once, or I will commence to fire on you. Though your offence is great, the Governor will be merciful to you if you surrender. If I fire upon you your fate is sealed." The Maoris refused to read or to receive the summons. Fire was opened, and continued throughout the day with guns and rockets. The Maoris returned it with musketry, and three Europeans were wounded. The troops remained at night in their entrenchments, and the Maori firing was continued for some hours. In the morning guns were advanced under cover of skirmishers, and when a sufficient breach was thought to have been made, the troops pushed forward and found the pah empty. The usual ditch behind the palisade was found, with covered trenches well traversed, and the Governor reported with dismay that a fortification put up in one night and garrisoned by only seventy Maoris "occupied the troops two days to capture and destroy. A storm of shot and shell did scarcely any execution, and finally it was evacuated with trifling loss."

The work of the Governor's tempters had been well done. The British Government had been made an accomplice in the designs of the Taranaki settlers. The quarrel had been baptized in blood. And now the soldiers, the Governor, and the civilians, began to reflect upon the situation.[50]

[50] The student meets many difficulties in tracing the facts. For instance, in an elaborate paper drawn up by Mr. Richmond (28th Dec., 1860) (N.Z. P. P., 1861, E. No. 2), it is said to be "established that neither Te Rangitake nor any of his people have had cultivations on the

Colonel Gold at Wanganui said that his force was too weak. His Excellency also strenuously urged the Home Government to send artillery, engineers, and infantry. Brevet-Maj. Murray pronounced that Taranaki was indefensible. There could be at least 1200 men in the province. Donald McLean, whose indisposition of mind or body had left to others the treatment of the battle-ground "carefully chosen" by the Kingites, declared that 5000 men at least were required in the Northern Island. The Ngatiruanui and Taranaki tribes were believed to be about to attack Taranaki. They were 1200 strong, and the powerful Waikatos, he feared, might join the affray in order to work out their national independence. C. W. Richmond gave a written opinion to McLean's opinion. The Governor found how right was his assurance that he had prepared for all contingencies. He cried to the Australian colonies

block. [illegible] "Not one was burnt by the soldiers." In April, 1863, Lieut. Rees and [illegible] after inquiry on the spot, that Carrington [illegible] that two inhabited pahs were destroyed [illegible] and the evidence of soldiers [illegible] In 1868 Sir W. Martin asserted [illegible] that on the block stood [illegible] "Notes on Sir W. Martin's [illegible] W. Richmond and F. D. Bell drew up the facts [illegible] the existence of the pahs, but [illegible] them. It must not be [illegible] Te Rangitake's residence in a pah erected by [illegible] any ownership of the land which [illegible] Mr. Richmond wrote: "Everybody knew [illegible] this discovery an important matter is— [illegible] Yet it is utterly untrue that Te [illegible] he was expelled from his habitation. Several days [illegible] went on to the block, Te Rangitake and all his people [illegible] It may be hoped that Colonel Browne would not [illegible] martial law to be proclaimed and the troops to advance if he [illegible] what Mr. Richmond says was known to everybody. To seize [illegible] to burn his house and his church, and then to accuse him of [illegible] for resistance, is in keeping with the argument of Mr. Richmond, [illegible] approach with shot and shell and desolate the hearths which are [illegible] is not to expel the inhabitants. By a strange irony of fate, Mr. Bell, who assisted Mr. Richmond in framing the "Notes on Sir W. Martin's pamphlet" in 1860, became Native Minister in 1862 in the Fox Ministry, learned at Taranaki from the mouths of Teira and Ihaia the truth of Sir W. Martin's statements about the pahs, and joined in a formal Ministerial statement that it was "difficult to conceive that if these facts had come out clearly at the time of the sale, the universal practice of reserving pahs, cultivations, and burial-places would not have adhered to in this particular instance."

for help, and told the Secretary of State that a much larger number of troops than had been asked for was "necessary to maintain possession of the colony at all." He must have troops, "a steam gun-boat, and a steamer of war." The skill of the Maoris in field fortification was "surprising and most admirable." He anticipated approval, and on the 27th June the Duke of Newcastle conveyed it to him. Troops would be sent if further advices should show the need of them, and thanks were given to the militia and volunteers.

Colonel Browne's despatches ought to have enabled the Duke to see the truth. But he was blind. He wrote about "the insurrection" of the Maoris, but said nothing of the breach of faith by the local government, which, in the name of the Queen, was traitorous to the treaty she had made. He seemed to have no qualms about the cause of quarrel. He could not promise to increase the military force permanently, but authorized the Governor to retain the 65th Regt. "until the insurrection is put down." He had not courage to undo a wrong. Meanwhile the strife went on. The Maoris were in the neighbourhood of Taranaki, but when Colonel Gold marched out to meet them they retired. They constructed two pahs at Omata, not far from an English block-house. On the 27th March it was reported that three settlers and two boys had been savagely murdered by the Taranaki and Ngatiruanui natives at the south side of Taranaki. Te Rangitake, at the north, announced that he made no war on unarmed people. When it was reported that the settlers had been killed, volunteers, soldiers, and sailors sallied forth to avenge them. The Governor himself addressed the militia and volunteers when they started by way of the beach, while the troops proceeded by the road. Colonel Gold was incommoded "by the disposition of the rebels to get round our left, and so cut us off from the main road," and abandoned his intention to assist the volunteers, who, by the sound of firing, seem to be "hotly engaged." Being "ordered to return by dark," he did so, having throughout the day kept up "a frequent fire of rockets on the pah and any groups of rebels we observed." The volunteers were aided for a time by a few of the 65th, killing several

Maoris, but suffering loss themselves. The senior captain, Brown, reported "his surprise and regret" at the retirement of the 65th. His own position became "untenable," and he went with his dead and wounded to a post held by Captain Stapp, who learnt from the new-comers that the regular troops had been withdrawn. The natives were gathering round, and a council of war was held as to the position which could most easily be held. The senior gave way to two brother militia captains (Stapp and H. A. Atkinson), and attempts were made to throw up "breastworks of sheaves of oats and fencing,"[51] close to the homestead of a settler. Eight men of the 65th, who had remained, did "gallant service." The superiority of arms of precision was of great use, but it might have fared ill with Captain Brown and his men if Captain Cracroft, of H.M.S. "Niger," with blue-jackets and marines, had not effected a diversion. He had landed his force at two o'clock, and from the Omata block-house saw the fray. When Colonel Gold withdrew his men, Captain Cracroft, as daylight was departing, discharged rockets at the Maori pah from a distance of 700 yards, and his men rushed forward, despising the fire, which the waning light rendered inaccurate; and, in a few minutes, by scrambling over one another's backs, the "Niger's" men had bounded into the pah amongst the astonished natives who were left in it, "destroyed everything living in the trenches," and captured the Maori flags. Captain Cracroft was unaware of the beleaguered condition of the volunteers whose assailants he disconcerted. At eight o'clock he had returned to Taranaki with captured flags, and was soon on board his ship, which, in the exposed anchorage, could not be left without her crew. There was fear in Taranaki for the benighted volunteers, and before midnight a band went in quest of them. They were met on the road. After the capture of their pah the disconcerted Maoris withdrew. The militia captain considered that the diversion "enabled

[51] In "Reminiscences of the War of New Zealand," T. W. Gudgeon (of the Colonial Forces, New Zealand), London, 1879, it is stated that "the material used for the parapet was straw and turnips." It may be presumed that the officer, who reported his proceedings forthwith, may be trusted as to this matter of fact.

us to retreat after dark unmolested." After the setting of the moon he started, and at half-past twelve o'clock, carrying "their dead and all the wounded but two (left at the Omata stockade)," the volunteers reached their friends. Less than twenty Europeans had been wounded. One had been killed. More than thirty Maoris were said to have been killed.

The first-fruits of the crop which the Governor's advisers had sown were not gratifying to the community, whose leaders had recommended rapine. Nevertheless, they considered every slain settler a murdered man, and extolled the gallantry of those who slaughtered the natives.[52] The Maoris, on the other hand, were equally ruthless. An exception deserves notice. A settler, who was a Baptist minister, declined to serve in the militia. This the Maoris knew, and when their bands arrived to fight the troops they made him and the Rev. Mr. Brown put on a white scarf to signify that no Maori would molest them. Thus distinguished, they were shaken hands with by each Maori, and a notice, signed by Te Rangitake and other chiefs, was posted up, declaring that the Baptist minister, Mr. Brown, and other enumerated persons, were to be respected, and that their property was to be strictly preserved. They and their children were safe while war raged around them.

[52] Pertinacious misstatements were made to the effect that the Maoris "began the war." Fortunately there is decisive evidence on the point. Lieut.-Col. R. Carey, who was on the spot in 1860, published an account of the war (R. Bentley: London, 1863). He wrote (p. 24), "After the capture and destruction of Te Rangitake's pah on the 18th March, some Europeans had been attacked and killed by the natives on the Omata block. These . . . results were described as barbarous murders, a term hardly applicable . . . when we reflect that a guerilla warfare was the only one in which the Maori could hope to gain any advantage, and that the acts occurred after martial law had been proclaimed by us; after we had attacked a native pah, and blood had been shed on both sides, and after these very Europeans had been warned by the natives that war having now begun, it was no longer safe for them to wander about the district . . . the natives left it to us to commence the first act of bloodshed by our attack on the pah on the 18th. The fact that the deaths above alluded to took place eight or ten days after our attack on this pah, was carefully kept in the background by the local papers, which tried to make it appear, and for a long time succeeded in doing so, that the Maori had commenced the war by the murder of unarmed, unwarned, and inoffensive settlers. Whereas, war having been begun by us, the natives naturally enough considered this retaliation a legitimate mode of fighting."

But not the less did the Maoris sack the abandoned homesteads of other settlers. Captain Cracroft retaliated. He steamed southwards on the coast, and destroyed native settlements at Warea and elsewhere. Armed parties sallied from Taranaki to gather what they could from the deserted farms, and to harass the natives, who, in their turn, pillaged and burnt. The Governor reported that Captain Cracroft had battered Warea "with good effect," but earnestly asked for more forces. Having thus managed military matters, he was going to Auckland to meet the General Assembly, whose sanction for certain expenses was desirable. There he organized militia and volunteers, and built defensive block-houses, but did not convene the Assembly. He sent friendly missives to the Maori king and others, and wrote an account of a Maori meeting (7th April, 1860) at Ngaruawahia, which Mr. Smith, of the Native Department, and some missionaries attended, and by which the importance of the king movement was impressed on the Governor's mind in a new manner. Deputations from distant tribes were "received in some state,"—"allegiance was tendered,"—"lands were presented to the league of which the king was the nominal head,"—"the king's council openly assume the right to decide on the justice of my proceedings, and consider whether or not they will aid a chief in rebellion against Her Majesty's government;"—"under these circumstances" (the Governor said), "the dispute at Taranaki sinks into insignificance." But his advisers still swayed him, for he added: "I cannot but think the occurrences at Taranaki fortunate, because, to use the expression adopted at the Maori king meeting, 'it has led to the discovery of the pah before the builders have had time to complete it." His last words were a prayer for "three regiments and a company of artillery without delay." The "fortunate occurrences at Taranaki," where "the issue had been carefully chosen" by his ministry, demanded more men from England. Such was the position into which malign influences had led a man whom all his friends agreed in honouring as a frank, kind-hearted Englishman.

Mr. Smith (at Ngaruawahia) heard Potatau's explanation of the state of affairs at Taranaki. Mr. Richmond relied

much on the sale by Potatau to Governor Hobson of the claims of the Waikato tribe to the territory at Waitara, and alleged that the sale barred all Te Rangitake's claims. Potatau explained the matter differently. Payment having been made by Colonel Wakefield for land, he, as chief of the Waikato conquerors, was entitled to some of it, and as the receivers gave him none, he applied to the Government. But this did not affect the position of Te Rangitake. On the contrary, that chief never having been conquered (being, indeed, at the south when the capture of Pukerangiora took place), came back with common consent to Waitara in 1848, the Waikato tribes having abandoned their claims in favour of the returning Ngatiawa at Potatau's request. Potatau had invited him to return to the land of his ancestors in consequence of the Governor's words to Potatau. There was, therefore, a "mana"[53] attaching to Te Rangitake as well as to Potatau. It was only his own reputed share of the Waikato claim that Te Whero Whero (*i.e.*, Potatau) could sell, and Te Rangitake's right was yet alive. Mr. Smith quoted the deed signed by Te Whero Whero in 1842 as conclusive, but obtained no admission to that effect from the chiefs. They must hear the other side, they said. If Te Rangitake had no claim to the land, "he was wrong, and they would advise him to give up his opposition, but not otherwise."

The killing of the settlers by the Taranaki and Ngatiruanui after the English had commenced warfare, was not, in their eyes, murder, though a crime in the light of Christianity. Such acts were incident to Maori wars, and were in a great measure chargeable on those who caused the war. "Under any circumstances they regarded the proceedings of the Governor as hasty."

Interviews between Mr. Smith and the chiefs continued for days. He saw a sketch of the Waitara block, showing that Te Rangitake had (in addition to his chieftainship rights) special hereditary claims within it, and was told that application had been made by him for the aid of the Ngatimaniapoto. "Friends, blood has been shed—that of the land, and that of the men. Friends, when you see

[53] See F. E. Maning's explanation of mana, Vol. I., pp. 21, 22, *supra*, cap. 1, and note at p. 17 as to Rangitake's rights as Ariki.

this, think of us. Friends, if you see it well to do so, come to us; or if you see it well, turn you to Auckland." A deputation from the Ngatiruanui and Ngatiawa arrived and formally tendered allegiance to Potatau. Mr. Buddle, a Wesleyan missionary, sent abstracts of speeches made by leading chiefs (11th April) on the arrival of the deputation. Mr. Buddle pointed out that the speech of the orator Karaka Tomo Te Whakapo, of Rangiaohia, contained the Waikato decision. Enigmatically he counselled peace. Their mottoes were, "Te whakapono, te aroha, te ture,—religion, love, law." Other chiefs used violent language. Te Paetai from Kihikihi enumerated the sins of the Pakeha against Rangihaeata, against Honi Heke, and against Rangitake. "Murder was talked of, but it was not murder, it was only a thing joined or added (he apiti). Tell me, was it murder?—No; he apiti"—(loudly replied the Ngatimaniapoto). "According to the law of Christianity it was murder, but according to the Governor's it was "he uru whakaara" (*i.e.*, a part of the battle begun by the Governor). There was comfort in the fact that a great Ngatiawa chief, Wi Tako Ngatata, who had gone to Waikato to meet the king party, visited Taranaki on his return homewards and wrote thence to dissuade the Waikato tribes from joining "the sin of Te Rangitake." The value of this letter was diminished when Dr. Featherston told the House at Auckland that he, with the Speaker and others, visited Wi Tako on his return to the Hutt, and asked,—

"What was the meaning of his saying that 'the wrong was Te Rangitake's?' 'I will tell you,' replied Wi Tako. 'Te Rangitake wrote to the Waikatos telling them that he had retreated to the mountains, but shortly afterwards he returned to the disputed land, and thus the fighting began. This is what I meant by saying the wrong is Rangitake's.' 'What! did you not mean to admit that he had no title to the land—no right to forbid the sale?' The words were scarcely out of my mouth before Wi Tako, Te Puni, and other chiefs present cried out, 'Kahore, kahore, kahore' (No, no, no). 'The Governor is in the wrong. Te Rangitake has land in the block; his wife has land, his son also. Te Puni and others (named) also own portions of the land sold by Teira.' Wi Tako and Te Puni then explained that the land was divided into small allotments; that these allotments were marked out by stones; that many of them had names; and said that if we would accompany them to Waitara they would point out the allotment of each individual. Wi Tako added that Teira had no more right to sell the 600 acres than a man owning an acre in Wellington would have a right to sell the whole town."

Upon Wi Tako's letter, nevertheless, the ministry based mountains of argument in favour of their policy. As Wi Tako was a member of Te Rangitake's tribe, his explanation to Dr. Featherston would have sufficed for reasonable persons.

The Maori king at the end of the gathering of the chiefs at Ngaruawahia enjoined peace, and desired that the Ngatimaniapoto should take no guns with them in escorting the Ngatiruanui home to Taranaki. The chief Rewi thus described (in the author's presence) what he and Potatau did. They were at Ngaruawahia.

"The people clamoured for war. I said, 'No; do not go to the fight.' I wished the matter to be referred to the missionaries in order that they might lay it before the Government. Wetini said, 'No; let us go to the fighting; let us waste no time in investigations.' Purukuru went to Kihikihi (Rewi's settlement), and, at the runanga there, the people first resolved to go and fight. Epiha was the first to urge it, and Rewiti supported him. When Potatau heard of the runanga, he asked me to follow the war-party to dissuade them. I overtook them at Mokau and asked them to return. Epiha refused, and said I might return by myself. I then wrote to Parris and asked him to meet me. He did so, and was in danger of being killed. Then there was fighting at Taranaki, in which the Pakehas were worsted. Then it was that I consented to the war, and warned the people that if I joined the fighting it would not speedily come to an end."

Mr. Parris' escape was remarkable. Receiving Rewi's message (11th May), he started northwards, and at Pukekohe met the war-party, consisting of about fifty Ngatiruanui and Taranaki men, and about 150 Waikato. There was disagreement between Rewi's Waikato friends and the Ngatiruanui and Taranaki natives (who were being escorted home) as to the treatment to be accorded to Parris. The Ngatiruanui and Taranaki men started by themselves in anger. Epiha went to Parris and upbraided him for approaching the war-party without sending a messenger or letter beforehand. "If we had met you on the march you would have been shot dead without our being able to save you." After long and eager converse, Epiha went in advance to Urenui to endeavour to counteract the ambush which the Ngatiruanui and Taranaki were bent on forming. At Urenui many Maoris were assembled, and amongst them Parris thought that by the starlight he saw some of his enemies. He was hustled. The authority of Epiha and another chief caused the crowd to fall back. An armed

band of Waikato took charge of Parris. There was an advance-guard and a rear-guard. A Waikato warrior on each side grasped his hand. At Wairau he was called upon to join in an extempore prayer for the King, for the Queen, and for his own safety. All danger having been passed, he was allowed to proceed alone. He poured forth thanks to his preserver. Epiha answered: "Do not attribute your deliverance to me, but to God. I shall yet meet you as an enemy in the daylight. You have seen that I would not consent to your being murdered."

Governor Browne asked for the opinions of his ministry on the situation into which he had been seduced. Mr. Richmond drew up a memorandum (27th April), narrating the past, and defending the contempt shown for Rangitake's claims. "The question of title is one on which persons not versed in the intricacies of native usage cannot expect to form an independent judgment." McLean, Parris, and Whiteley were adverse to the claim of Rangitake. But the pretensions of the king movement, though absurd, "were not less dangerous." The natives despised the warlike prowess of the English, "and it must be confessed that the imperfect success of military operations in New Zealand has given some countenance to the natives' fixed opinion of their own superiority." Everywhere in the Northern Island, except to the north of Auckland, "the determination to shake off the British dominion has been steadily gaining ground." A war of merciless character was probable. With daring irreverence for facts, Mr. Richmond said: "The colonists as a body are in no degree responsible, directly or through their representatives, for the existing state of affairs. They have never had the direction of native policy, nor have they dictated, or even suggested, the acts of the Imperial government in its relations with the natives; but they approve of the stand made by his Excellency in the Taranaki case, and are naturally willing, as their present attitude proves, to risk life itself in the maintenance of the Queen's authority over the islands of New Zealand." But the colony had not resources for the struggle. England must provide them. Of this memorandum, the Governor on the day of its date sent twenty-five printed copies to the Secretary of State. His sub-

jection to his tempters was then complete. He wrote (27th April): "I must, therefore, consider that the question at issue is one which affects Her Majesty's sovereignty, and nothing else."

About the same time the Provincial Council at Napier (Hawke's Bay) congratulated the Governor on his policy at Taranaki, "at present under martial law owing to the meddling of disaffected aborigines." This was too much for Bishop Selwyn's patience. He sent a deliberate protest (28th April, 1860) on behalf of his Maori flock to the government. Martial law was, he said, proclaimed before a single native had taken up arms, though there had been "unarmed obstruction of the work of the surveyors." He claimed on behalf of the Maoris an investigation of all land titles before a regular tribunal, with the usual safeguards against partiality or error, viz., evidence on oath, arguments of counsel, and right of appeal; abstinence from employing military force till all civil measures might be found ineffective; and, as the "colony was avowedly formed not for the acquisition of territory for the English race, but for the protection of the New Zealanders," he demanded that "this primary object shall not be sacrificed to the aggrandisement of the English provinces." The ministry spent some weeks in preparing a memorandum to be sent to England with the Bishop's protest, and thus postponed its arrival in England. They complained that it was "an indirect attack," and their reply occupied nearly ten times as much space as the protest. They averred that Te Rangitake's advocates "strangely jumbled" the Maori[54] "mana" with English feudal law. "As to the proclamation of martial law, that was a measure of precaution rather intended to restrain, if necessary, the European population than directed against the natives." It was "blind unreason to expect that Te Rangitake could or ought to be dealt with in all respects as a peaceable citizen." They denied that the primary object in founding the colony was the protection of the Maoris. "If his Lordship" (the Bishop) "desired to arouse and stimulate the hatred of race, he could not do so more effectually than by such

[54] See p. 74 in this volume for the bold avowal of Mr. C. W. Richmond that he knew nothing and cared to know nothing about "mana."

assertions. . . . Once let it be understood that the interest of the settlers is to be subordinated to that of the natives and a war of races is inevitable." Te Rangitake's claim was "simply the right of the strong arm. . . . The matter was to all intents and purposes *res judicata.* But had this been otherwise a trial with the usual safeguards against partiality or error, viz., evidence on oath and arguments of counsel, would under the circumstances have been something more ludicrous than has yet been seen in our public dealing with the Maoris, which is saying a great deal." The ministry declared that the decisive action of the Governor, with which they concurred (though they denied being the cause of it), was dictated by regard for the welfare of New Zealand, for the dignity of the Crown, and for those just principles which had previously regulated the conduct of the British Government in the colony."

From every province addresses were sent to the Governor. The Canterbury Provincial Council proffered assistance and an asylum for refugees from Taranaki. The Taranaki province prayed, "That your Excellency will not make peace with Te Rangitake upon any terms in the least compromising the Queen's supremacy, and that as regards the Taranaki and Ngatiruanui natives that no peace will be made with them until they have been severely punished for the barbarous murders committed by them upon unoffending and helpless settlers, and that compensation will be exacted from them for the ruinous losses sustained by the settlers in the marauding expedition of these natives." Thus wrote Mr. Cutfield, the superintendent, and twenty-two others. It is the curse of a wrongful act that it entails suffering upon the innocent. Homes were devastated; farms, flocks, and herds were abandoned to Maori ravagers. Taranaki was crowded with flying settlers, whose wives and families were deported to safer harbours. But no dismay was in the hearts of those who remained. They would brave all dangers of war, "would rather abandon the hearths for which they have lately fought, to commence again the arduous labours of founding a new home, than run the risk of being again subjected to the domination of a [illegible] race."

[illegible] of a different nature reached the Governor in

April, 1860. Archdeacon Hadfield sent a petition from Maoris at Otaki, asking the Queen to remove Colonel Browne on account of his unwarrantable proceedings at Waitara. He detained the petition for a month, because it was "an evident translation from English." Nepia Taratoa, Kingi Te Ahoaho, and 495 others subscribed it. In May, the Governor transmitted the petition to the Secretary of State, with letters imputing the petition to the advice of Archdeacon Hadfield. It was admitted, however, that the chiefs held a meeting at which the Archdeacon was not present, and that some violent speeches had been made against the Governor's conduct. From his correspondents the Governor learned that most of the signatures were written without consulting the persons represented. The petition was worded as inoffensively as such a petition could be. It deplored the loss of Governor Grey who only punished Maoris when they were wrong, asserted that Te Rangitake was a loyal subject, that the Queen (they knew) did not want to take away their lands unjustly as was being done by the Governor, and prayed for a Governor "competent properly to carry out the Queen's measures." When in August, 1860, Archdeacon Hadfield saw in sessional papers the imputation that he had originated the petition, he sent (through the Governor) a letter to the Secretary of State denying that he had directly or indirectly originated or suggested it, and adding that he believed it to be genuine and spontaneous. As to the Governor's statement that the language proved the petition to be translated from the English, "in the opinion of some of the best Maori scholars in the country" the fact was otherwise. The Archdeacon warned the English Government against confounding dissatisfaction at the Governor's proceedings with disaffection to the Crown. "I would further observe, that whereas the natives of this country are a high-minded people, and at present have no legal tribunal to appeal to for the protection of their territorial rights, there will be great danger, if they are debarred from using the right open to all British subjects of petitioning the Crown in a constitutional manner for the redress of their wrongs, that they will be driven to seek redress by force of arms." As Mr. Richmond on more than one occasion rejoiced in the

[illegible] brought about before the Maori king [illegible] negotiated, the Archdeacon's fears found [illegible] Colonel Browne's ministers, and the [illegible] a floating accompaniment of the [illegible] His Attorney-General, Mr. Whitaker, [illegible] Mr. Richmond of abstract rights [illegible]

[illegible] the Governor notified that the [illegible] district were secure against "any [illegible] made by the largest force the Maoris [illegible]." He had no sooner dissipated [illegible] than the pensioners and others [illegible] Maoris in the town. "Unless some- [illegible] prevent it, collision would be inevitable, [illegible] population would be in arms against [illegible] established a notification," "to ensure [illegible] individuals of the native race."

[illegible] Browne had written from Taranaki [illegible] asking for reinforcements. Wiser [illegible] watching events for some time. [illegible] Governor of Victoria, when he heard [illegible] of martial law at Taranaki [illegible] settlers in the south would be called [illegible] authority of the Crown so rashly [illegible] at once to Sir William [illegible] if assistance had [illegible] answered in the negative, [illegible] Commander of the [illegible] be in readiness for the [illegible] When the cry for help [illegible] of the 12th and 40th [illegible] from Sydney, Melbourne, and [illegible] steam-sloop "Victoria" [illegible] President Sir H. Barkly [illegible] they should follow the [illegible] Order in Council the [illegible] to New Zealand. [illegible] the "sympathy and [illegible] the Duke of Newcastle [illegible] government. Sir [illegible] to Colonel Browne

and his advisers, which, if they had been wise, might yet have saved life and honour. Colonel Browne in his appeal dwelt on the marvellous manner in which seventy Maoris in a pah built in one night kept Colonel Gold nearly two days from effecting an entrance, protecting themselves in excavations from "a heavy and constant fire from two twenty-four pounders and two rocket-tubes," and finally "evacuating it with a loss of only four wounded." With this specimen of the task undertaken, he forwarded to Sir W. Denison a memorandum written by Mr. C. W. Richmond, showing the premeditation with which the ministry plunged into the affray, and hoped to involve their countrymen in it. "An occasion has now arisen on which it has become necessary to support the Governor's authority by a military force. The issue has been carefully chosen—the particular question being as favourable a one of its class as could have been selected." Unconsciously the writer framed an indictment against himself—for in three years the government abandoned as unjust the so-called favourable claim at Waitara. The military force "should be forthwith augmented to the greatest extent practicable." Sir W. Denison promptly sent succour. Commodore Loring despatched H.M.S. "Cordelia" and the "Iris." The "Pelorus" left Melbourne; and nearly a thousand soldiers and sailors were sent to New Zealand within ten days of the demand for reinforcements. On the 16th May, Sir W. Denison sent to Colonel Browne a confidential commentary upon Mr. Richmond's memorandum. "I do not think," he said, "that you have derived much information from this document. The views and opinions of your responsible advisers are to all appearance confined to these: first, that they ought to have something to say in the discussion of questions having reference to the natives (of whom I observe by the way they are in no way the representatives); and second, that as they are unable to defend themselves, England should step in to help them." But the manifesto opened up the wider question of the whole policy of the government towards the Maoris. Sir W. Denison accepted the election of Potatau as evidence of their willing assent to the establishment of some system of government amongst themselves. Mr. Richmond had

passed lightly over "the causes which have induced a people, consisting of clans or septs analogous to those which used to occupy the Highlands of Scotland, to forget their old feuds, and unite together for a common object." Their position as subjects of the Queen imposed limitations without corresponding benefits. Their lands were obtained from them at nominal rates, and retailed before their eyes at an enormous advance in price. Mr. Richmond's

"Policy and that of his colleagues would lead to steps, which, if they were backed up in England, would in a short time annihilate the Maori race, and permit the occupation by the white man of the rich land, yet in native hands, upon which for years past greedy and longing eyes have been cast. My view, however, of the Maori is very different—he is the subject of the Queen, and as such is entitled to have his rights respected and his feelings considered; he has shown an aptitude for civilization which ought to be encouraged; his efforts to raise himself in the social scale should be assisted. If this policy were carried out steadily and consistently, all causes of disaffection would soon be done away: there would be an end to these petty warfares, which, while they cause a large expenditure of money, result in nothing but an aggravation of the feeling of hostility between the races. The government, it is true, would be abused by certain classes of the white population. The land speculators might grumble, but I feel convinced that the prosperity of the colony and the happiness of the people would be promoted by such a change of system."

He reminded Colonel Browne, that in 1857 he had in New Zealand personally suggested the necessity of such legislation. Late occurrences had strengthened his opinions. He urged his friend to recognize the Maori craving for legitimate authority. He would not quarrel with the name—chief or king; if the Maoris in search of order would bend to any paramount authority and submit their schemes to the Governor, let him utilize those schemes. The first effect would no doubt be to diminish land purchases. "The Maoris will decline to sell: and were I in your place, I should be in no hurry to buy." Eventually the appetite for gain would lead to further sales. He gave his opinions merely for what they were worth, and apologized for obtruding them, differing as they did from those of Mr. Richmond and his friends. The ordinary course doubtless would be to treat the Maori as a rebel, to overwhelm him with troops, regardless of expense, and sweep from the earth a "race which occupies land of which the white man professes to be in want, though he has millions of acres of which he can or does make no use." Thus the

Imperial government would buy, at cost of blood and treasure, land which it would hand over to the colonists to be sold for their benefit. Costly, immoral, and impolitic would be such a policy, and he commended the alternative to Governor Browne's consideration; sending at the same time a copy of his despatch to the Secretary of State, and trusting that he would not be deemed to have meddled presumptuously with a matter which did not concern him.

It would have been well if Lord Derby had held the seals of the Colonial Office when Sir W. Denison's despatch arrived there in Aug., 1860. It was perhaps fortunate that the Duke of Newcastle was absent in America, and that Sir G. Cornewall Lewis presided temporarily in Downing-street. But though wiser than the Duke, he did not pierce so far into the matter as to prize at its worth Sir W. Denison's advice. Bishop Selwyn, writing to his friend, Sir John Patteson, explained that he and Sir W. Martin had been compelled to make a stand against the violent change initiated by Governor Browne under his new prompters. "Up to the time when the soldiers were sent to Taranaki I was in the most friendly communication with the Governor and his ministers. Sir W. Martin was his constant adviser in all matters relating to the social improvement of the natives, and had just compiled a small code of rules for the use of native magistrates at his request. We had not even the opportunity of offering advice, for we heard nothing[55] of the matter till the order was given for the troops to embark." The new keepers of the Governor's conscience, like Lady Macbeth, feared his nature. Like Macbeth's it was "too full of the milk of human kindness" to be trusted if wise cautions of Martin and Selwyn should reach him. Unless he could be entrapped into a struggle, from which it could be impressed upon him that without success in war he could not extricate himself with honour, there was danger lest the new policy might, by a few words of truth and soberness, be exploded. If Martin or Selwyn should hear of the plot those words would be spoken. The Governor preserved the requisite secrecy. "The affair" (the Bishop wrote) "was announced

[55] This contemporary hint speaks volumes as to the cunning with which Stafford and his colleagues worked upon the Governor's mind. See p. 103.

by the government, and looked upon by the natives as the beginning of a new policy for the whole of New Zealand. It became necessary for us to enter the strife, and I hope it was done temperately and respectfully."

Colonel Gold used reinforcements at Taranaki in carrying on the melancholy strife. Being instructed not to attack Te Rangitake (for Colonel Browne's advisers must have secretly dreaded that the English government would detect the injustice committed at Waitara), he marched (20th April) to Tataraimaka:—destroyed houses and machinery of a water-mill, and scattered to the winds quantities of wheat and grain at a Maori settlement; shelled a pah at Warea, destroyed it and the property it contained; and regretted, on the 4th May, that he could do no more in the south, though he felt "assured that the destruction of the mill and crops, corn, houses, canoes, and ploughs at the different stations we went to will severely cripple the resources of the Taranaki natives this winter." He was prepared to attack Te Rangitake when permitted. But Colonel Browne feared that such an attack would stir the Maoris to union. "For this reason," he told the Secretary of State, "I have requested Colonel Gold to refrain from attacking Te Rangitake again unless that chief commences hostilities." To such a pass had ill advice reduced him that the object for which he proclaimed martial law was already abandoned, and the efforts of the troops were directed against the Taranaki natives, to whom Colonel Gold was ordered to "show no forbearance." Throughout June the state of the roads prevented Colonel Gold from operating against the natives to the south of Taranaki.

Hearing that the king natives were to assemble at Ngaruawahia in May, Browne invited all the most important chiefs well-disposed to the government to meet him at Auckland on the 2nd July. Donald McLean went to the meeting at Ngaruawahia with Wiremu Nera. It was composed principally of Waikato, Taupo, and Manukau natives—about 3000 in number. The main object was to confirm Potatau as king and to erect his flag. War dances were "indulged in with savage delight" as the lower Waikato and Manukau natives landed from their flotilla of canoes. Orators expressed "discontent with the Governor for not consulting

Potatau and the Waikato Maori assessors before he declared war; and said the land sold at Waitara would be held by the king natives, conjointly with Te Rangitake, if the sale had taken place since the flag was sent there, or if he could establish a title; but if not, and his title proved defective, it should be handed over to the Governor." The majority of the meeting staunchly supported the king movement. Some were moderate adherents. Some opposed it as likely to lead to a war of races. Wiremu Nera was one of the last class. To show that he required no support, Mr. McLean, who was more than a week at the meeting, requested Wiremu Nera to leave before McLean spoke. McLean's speech, unfinished at night, was to be resumed in the morning, but the Maoris were slow to assemble, and as McLean heard that the flagstaff was to be reared that day—a ceremony he desired not to see—he bade farewell to Potatau. The flagstaff was erected (29th May), and named after Potatau's ancestor, Te Paue. Potatau on that day spoke publicly for the first time, and spoke in friendly terms of the English. McLean could not gather that there was any intention to molest Europeans, and his report showed that his mind was tossed by doubts as to the king movement. It had an early origin in men's minds, he said. The founder of the New Zealand mission, Marsden, had first suggested it, and the Ngapuhi (Waka Nene's) tribe were then favourable to it. It failed through inter-tribal jealousies, but had frequently been revolved in Maori minds. Designing Europeans had constantly urged it. Land was a powerful lever in supporting the movement. "It is not to be wondered at that an imaginative and poetic race like the New Zealanders, whose memories live so much in the past, should have a strong attachment to the land of their forefathers. . . . Almost every mountain, hillock, forest, river, or stream has its particular history of wars, defeats, conquests, or secret repositories of their dead . . . and while the Europeans are too apt to believe that the land is a mere article of commercial exchange, of little consideration beyond its monetary value, the natives, on the other hand, from motives not easily understood or appreciated, deem the alienation of certain spots, which they regard with romantic

[illegible] "[illegible] know-
[illegible] Ngatiawa [illegible] but in
[illegible] the [illegible] of the [illegible]
[illegible] Te Wharepu, [illegible] the
[illegible] "[illegible] is not [illegible]
[illegible] on the merits of
[illegible] that [illegible] a [illegible] cause."
[illegible] With such [illegible]
[illegible] there was yet space for
[illegible] nor his advisers
[illegible] Pomare's advisers kept
[illegible] to certain chiefs, and
[illegible] and [illegible]. The
[illegible] preparing a new code
[illegible] which was
[illegible] as may suit the
[illegible] that
[illegible] circumstances have
[illegible] that concessions
[illegible]

[illegible] was [illegible]. In June the
[illegible] appealed to
[illegible] If the dispute
[illegible] between two Englishmen, or
[illegible] would have
[illegible] in the case of Te
[illegible] seen "by surprise
[illegible] in 1846, was
[illegible] British government
[illegible] moreover, who,
[illegible] had always been
[illegible] The Bishop and
[illegible] might be directed not
[illegible] Maoris from that
[illegible] in accordance with
[illegible] the treaty of Waitangi. Mr.
[illegible] with a memorandum,
[illegible] sentences. "The

[illegible] by Sir W. Martin

question (of Rangitake's rights) was absolutely decided by the Governor's acceptance of Teira's offer in the face of Te Rangitake's known opposition." Mr. Richmond admitted that it was true that the colonial public was not previously informed that the soldiers would be employed to support the survey of the Waitara block. "The question was one of Imperial policy, the public agitation of which in the colony would have been likely to produce more harm than good." The possibility that a knowledge of the new policy might have brought warnings from Sir W. Martin or Bishop Selwyn home to the conscience of the Governor, would not have seemed good in the eyes of Mr. Richmond. In his despatch the Governor gave a pitiable proof of his subjection to the plotters around him:—"I certainly did not contemplate war, and it was not Her Majesty's troops but Te Rangitake who commenced it." A statement of the whole case was "in course of preparation."

At this juncture Mr. Weld threw his weight into the ministerial scale. In an address to the electors of the Wairau (1st May, 1860) he showed the baneful influence of Mr. C. W. Richmond upon his mind. "The question[57] at Taranaki is not in any way of ownership or title to land: it is this—Can a chief who assumes tribal authority forbid the exercise of rights of ownership by a native owner of land?" He had been told that his "accession to the ministry would add to his strength," and intended to join it. Thus pledged at the outset, Mr. Weld unfortunately saw everything with Mr. Richmond's eyes, and a judgment which might have been useful to the General Assembly was comparatively lost to it. In July, 1860, he became an executive councillor, and in Nov., 1860, succeeded Mr. Richmond as Native Minister. Mr. Richmond is entitled to the benefit of the fact that his views received sympathy from Mr. Weld. Yet it may be hoped that the latter would not have originally adopted the position which a coalition with the former induced him to assume. His

[57] In after years Mr. Weld admitted that "this sentence was not very clear," but affirmed that neither by himself, nor Messrs. Dillon Bell and Stafford, who saw it, was it deemed a denial "of tribal rights, where tribal rights existed." The minds of many men in New Zealand, in 1860, were clouded, when such a sentence could be so written and understood by so honourable a man as Mr. Weld.

sympathy with the rape of the Waitara block is a warning that where feeling and interest are concerned judgment is easily clouded. Like Mr. Richmond, he repelled the idea that Te Rangitake was expelled from his home, but has written: "It is, I dare say, true that *after Te Rangitake left*, his settlements were looted by troops, or by Teira's people, who then considered him at war and acted accordingly." Nothing more is wanted to condemn Mr. Weld's contention than his own words, by which the robber of a bird's nest might prove that he did not rob it because the bird flew away at his approach.

Two supplementary facts may be added to this chapter in the second edition of this work. At page 17, vol. I., Mr. Maning's opinion as to Te Rangitake's right is printed. When he gave it to the author he declared that it was an indisputable right of the principal chief to forbid the sale of tribal land, and, moreover, that he was in 1860 implored in the names of persons of the highest position not to publish his opinion. In like manner—Governor Browne's advisers loving darkness rather than light—influence was brought to bear to prevent the publication of Sir W. Martin's "remarks," as will be seen in the next chapter.

In Chapter XIV. it will be seen that the proceedings before a Compensation Court at Taranaki in 1866 proved the worthlessness of Teira's pretensions, and the iniquity of the attack upon Te Rangitake. In 1885, Mr. Fenton (who presided at the Compensation Court in 1866) gave evidence before a committee in Wellington. It appears in a N.Z. Parliamentary Paper, I. 2 B., 1885. A few citations from it throw a lurid light upon the scenes enacted under Governor Browne's authority in 1860.

"'*Q.* 770. Sir G. Grey: You said that you heard the Waitara case? —*A.* Yes.'

"'*Q.* 771. Did you finish it?—*A.* We finished it, but we did not give any judgment. There were three of us - Judge Monro, Judge Rogan, and myself.'

"'*Q.* 772. Did you ascertain whether William King (*i.e.*, Te Rangitake) had any right to the land?—*A.* Yes; he was the principal owner. . . . There was a man . . . who seven or eight generations back had two daughters whose names I do not remember. . . . They were what we would call in England co-heiresses. There was descent, and descent from each of these until we come to William King (Te Rangitake). . . . So that according to Maori custom in those days the *mana* of the land came to William King.'

"'*Q*. 773. I assume that you mean that power over the tribe and over the land vested in him?—*A*. He had the principal 'say,' to use a somewhat vulgar term.'

"'*Q*. 774. It had been overlooked in previons investigations?—*A*. If ever there was one. The thing is perfectly clear; there is no doubt whatever about it.'

"'*Q*. 775. This has never been put upon record, and I am anxious to have it put upon record. I will therefore put it in this way, so that there may be no misapprehension. Was William King (Te Rangitake) the real owner of the land?—*A*. He represented the owners; he was the principal man. There were other owners, of course, but he was the principal man."

Subsequently Mr. Fenton produced a genealogical table and added—

"789. When the Crown Officer appeared in court and objected to Te Teira's title to the six hundred-acre block I thought it a very singular proceeding, although I did not say anything. It occurred to me that possibly the Crown Officer was acting without instructions. I wrote a letter to Mr. Domett, who was not in the government, and asked him to be good enough to see the government and make them acquainted with what was being done. This, I should say, was a Compensation Court, and not a Native Land Court. I adjourned the case (not the court) for some days. It had progressed some length before I found out what was the real contest. After the expiration of some days a minister came down to Waitara—a minister, I think it was—and the case came on on the day to which it had been adjourned. When called in court there was no appearance. Of course I presumed from that that it was arranged out of court. At any rate we had no further functions."

If any corroboration of the statements in the first edition of this History (about the rape of the Waitara) was needed, Judge Fenton has furnished it.

sympathy with the rape of the Waitara block is a warning that where feeling and interest are concerned judgment is easily clouded. Like Mr. Richmond, he repelled the idea that Te Rangitake was expelled from his home, but has written: "It is, I dare say, true that *after Te Rangitake left*, his settlements were looted by troops, or by Teira's people, who then considered him at war and acted accordingly." Nothing more is wanted to condemn Mr. Weld's contention than his own words, by which the robber of a bird's nest might prove that he did not rob it because the bird flew away at his approach.

Two supplementary facts may be added to this chapter in the second edition of this work. At page 17, vol. I., Mr. Maning's opinion as to Te Rangitake's right is printed. When he gave it to the author he declared that it was an indisputable right of the principal chief to forbid the sale of tribal land, and, moreover, that he was in 1860 implored in the names of persons of the highest position not to publish his opinion. In like manner—Governor Browne's advisers loving darkness rather than light—influence was brought to bear to prevent the publication of Sir W. Martin's "remarks," as will be seen in the next chapter.

In Chapter XIV. it will be seen that the proceedings before a Compensation Court at Taranaki in 1866 proved the worthlessness of Teira's pretensions, and the iniquity of the attack upon Te Rangitake. [illegible] 1885, Mr. Fenton (who presided at the Compensation Court in 1866) gave [illegible] before a committee in W[illegible]. It appears in [illegible] Parliamentary Paper, I. 2[illegible]. A few citations [illegible] it throw a lurid light upon [illegible] enacted [illegible] nor Browne's authority in [illegible]

"'*Q.* 770. Sir G. Grey: You [illegible] you hear—*A.* Yes.'

"'*Q.* 771. Did you finish it?—[illegible] judgment. There were three [illegible] myself.'

"'*Q.* 772. Did you ascertain [illegible] had any right to the land? *A.* [illegible] There was a man . . . who [illegible] daughters whose names I do n[illegible] would call in England co-heiresses [illegible] each of these until we come to [illegible] that according to Maori custom [illegible] William King.'

[illegible]

[illegible] vulgar term.

[illegible] ever there was one. [illegible] ever about it.

[illegible] This has never [illegible] have it put upon record. I will [illegible] may be no misapprehension. [illegible] owner of the [illegible] He represented [illegible] man. There were other owners, of [illegible] man."

[illegible] Mr. Fenton [illegible] and added—

[illegible] Were [illegible] Te Teira [illegible] proceeding [illegible] possibly [illegible] letter to Mr. [illegible] be good enough [illegible] what was [illegible] not a Native [illegible] days. I [illegible] [illegible] Waitara—[illegible] which [illegible] [illegible] [illegible] [illegible] take we [illegible]

I am [illegible] of this History [illegible] Judge Fenton [illegible]

CHAPTER X.

1860 to 1861.

COLONIAL OFFICE REQUIRES INFORMATION.

Facts respecting the situation gradually arrived in England. The Duke of Newcastle, until July, 1860, seemed unconscious. Parliament slumbered. Not since April, 1854, had New Zealand papers been presented. In July, 1860, they were again laid on the table. The Duke wrote that he could not "hold out any hope that it would be possible to increase permanently the present military force;" sent out four silver-headed sticks "to be given by the Governor to chiefs,"[1] and started on a tour with the Prince of Wales to the United States, leaving Sir G. Cornewall Lewis and Mr. Chichester Fortescue to preside in Downing-street. The former saw danger. Mr. Richmond's memorandum shocked him as it had shocked Sir W. Denison. "A policy which requires the continual presence of a large force carries, in most cases, its condemnation on its face."

Mr. Richmond not suggesting that the Home government should have larger powers for dealing with the native question, said nothing about a colonial sharing in the expenses of war. Sir G. C. Lewis alluded "to these circumstances, not of course as relieving the Home government from the duty of supporting the colony against a pressing danger, but

[1] Colonel Browne gave one forthwith to Hori Kingi Anaua of Wanganui (Despatch, 21st August, 1860).

because they must materially affect the disposition of the British government and people to undertake that indefinite expenditure of blood and treasure to which Mr. Richmond invites them." On the 27th August, Mr. Fortescue adverted to the addresses from provincial bodies, and to Bishop Selwyn's protest against the address from Hawke's Bay, and though not questioning the justice of the proceedings towards Te Rangitake, asked for information upon the important question, "of an alleged right, distinct from one of property, existing in the chief of the tribe to assent to or forbid the sale of any land belonging to members of the tribe, in cases where all the owners are willing to sell, and how far such a right has been or ought to be recognized by the Crown." The reader has already seen that the right of Te Rangitake and his followers did not depend only on his position as Ariki, although that was sufficient to bar the course of the government. Mr. Fortescue declared that the government desired to observe faithfully the letter and the spirit of the Waitangi treaty, and asked for full information whether—apart from the treaty there were reasons in favour of recognizing Te Rangitake's alleged rights, and whether, as appeared "to be the truth, they do not justify the claims of Te Rangitake upon the present occasion."

In reply to this query, Colonel Browne sent (4th Dec., 1860) a despatch compiled for him by Mr. F. D. Bell on seignorial right. With its enclosures it occupied nearly a hundred pages of a Parliamentary blue-book. It erroneously declared that the Governor was adhering to the policy of Hobson and Fitzroy. Fitzroy had distinctly recognized those Ngatiawa rights which Browne was denying to Te Rangitake; and Fitzroy was reviled for so doing by the applauders of Colonel Browne. Mr. Richmond supplied a characteristic minute contending as to Maori land, that "it would be foolish to seek precedents for the regulation of dealings with Europeans in the usages of a period when there were no Europeans in the country." Had a right of veto been recognized or asserted since the settlement? "If not, no such right can be supposed to exist." Yet by the treaty of Waitangi, in 1840, the Queen "confirmed all rights of chieftainship," and Mr. Spain had

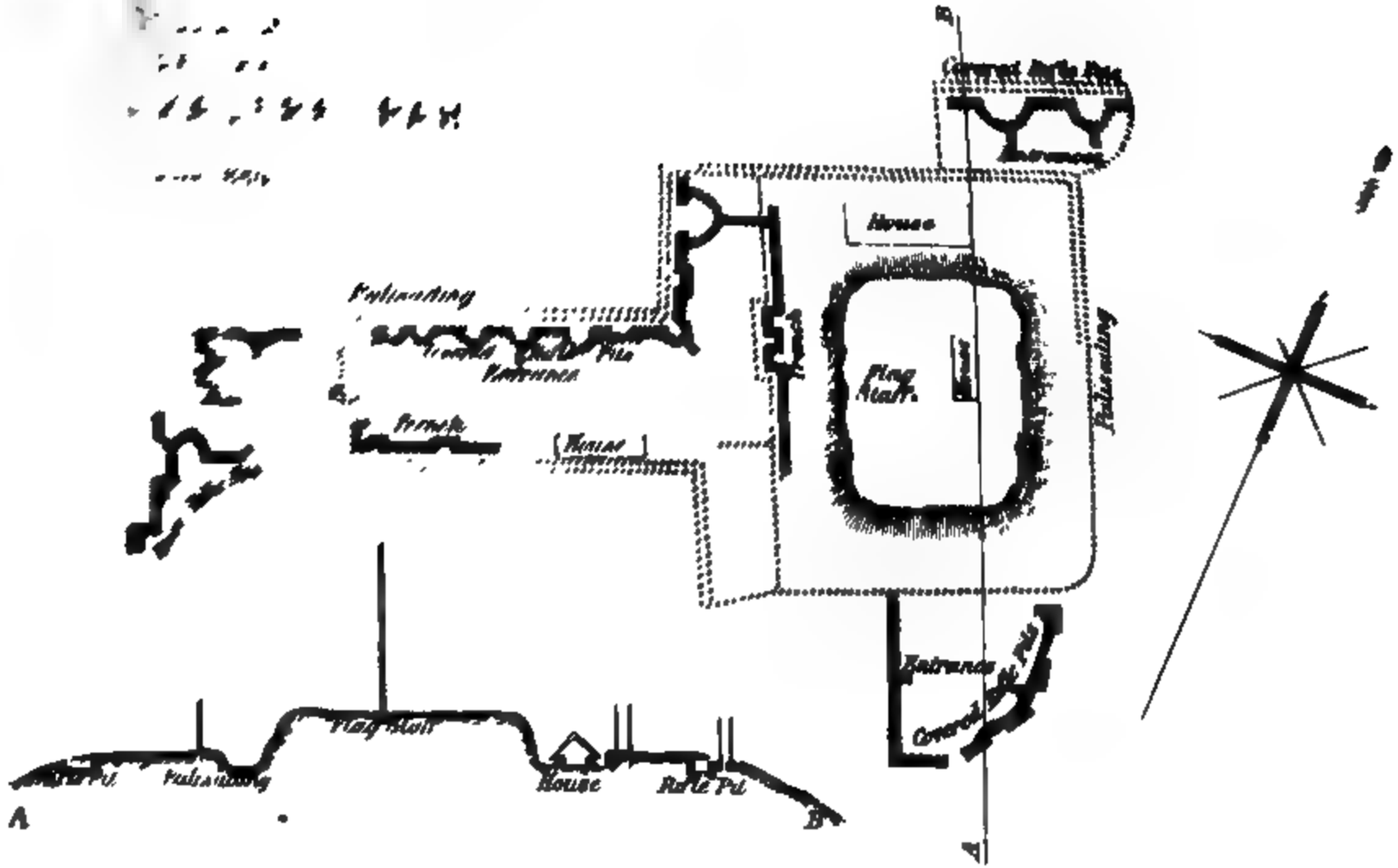
[illegible] that Rauparaha had power to forbid, and [illegible] a sale of land near Otaki.[2] Mr. Richmond [illegible] that recognition of Rangitake's claims would have been "unjust to the native proprietors," and "would have been an abandonment of the principles laid down and acted upon by successive Governors for the settlement of the Ngatiawa claims in Taranaki." If the Secretary of State had referred to Captain Fitzroy's despatches in 1844, he would have found that an entirely contrary course was then adopted; that justice was done and peace was maintained.

A settler made an earnest appeal to the Governor before the troops were marched into the field. He asked for a complete public and impartial investigation of the title. "Over the whole block rides the tribal or public interest . . . were the whole tribe consenting, the title would of course be clear . . . but Teira, so far from having the whole tribe, has only an inconsiderable fraction in his favour, while against him is arrayed the great majority with the principal chief at their head." We learn from Mr. Swainson[3] that it was "not until nearly a year after the war commenced that it was publicly known that such an appeal had been addressed to the Governor." By such arts was the ministerial position maintained.

War meanwhile proceeded at Taranaki. The Governor wrote that though his injunction against attacking Te Rangitake's bush pah had reference to the probable effect of combining the Maoris against British authority, he was "well convinced that any attempt to destroy the pah (which was almost inaccessible) would prove abortive." Meanwhile, volunteers from Waikato joined their countrymen. A pah, Puketakauere, was built within a mile of the English camp at Waitara. There was a skirmish on the 23rd June. Colonel Gold having heard from Mr. Whiteley the missionary (who was a guest at the pah on the previous Sunday), that in his "opinion the natives were not yet prepared to make much resistance, but in two or three days' time their plans would be complete," authorized Major Nelson with 348

[2] P. P. 1846. Vol. xxx. p. 102; *supra* p. 365, Vol. I.

[3] "New Zealand and the War" (p. 97), by William Swainson, formerly Attorney-General for New Zealand. London: 1862.



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Drawn by Thos Humphries

of all ranks to attack it on the 27th June.[4] Browne reported: "After a severe and gallant conflict he was obliged to retire with a loss of 30 killed and 34 wounded. . . . This reverse is likely to have a prejudicial effect upon our relations with the Maori race generally, and it is not easy to foretell the consequences." The Governor sent more troops—almost denuding Auckland—and wrote to England for reinforcements. He warned Colonel Gold to deal effectively with the enemy, "as the Maoris invariably construe even escape into victory." Colonel Gold had 1188 regular troops, and 573 militia and volunteers, but found them insufficient. Every available soldier throughout Australia was required. Heavy guns were indispensable—the artillery at hand being ineffective.

The Puketakauere pah was on a ridge between two fern-covered gullies. Major Nelson's forces were in three divisions, one of which was to cut off the retreat of the Maoris towards the Waitara river. The artillery opened fire from the north-west about four hundred yards from the pah, but no breach was made which justified an assault. Suddenly, from the fern, unseen Maoris poured a fire on the main body of the troops. Major Nelson ordered an advance towards a ditch and bank, from whence, in extended order, the natives were firing. The advance was made "in a most continued and gallant manner until the men reached a deep ravine with an entrenchment behind which they found it impossible to pass, it being defended by two if not more large bodies of Maoris, who were almost entirely concealed behind it, on another entrenchment in rear, as well as the very high fern. Here a desperate and destructive fire was opened upon us and gallantly returned. Our skirmishers being far fewer in number and exposed in a much greater degree than the enemy, I deemed it desirable to direct them to join the main body, and our ammunition being nearly expended I withdrew

[4] [1894. One Mr. Whitcombe complained in a N.Z. newspaper, in 1883, of the original paragraph on this matter in this History. He resented, in a long letter, the imputation that Mr. Whiteley acted as a spy; but with singular incoherence quoted the above opinion of Mr. Whiteley as having been part of a written report sent by a sergeant to Major Nelson at the "request" of Mr. Whiteley.]

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[illegible] New Zealand: 1873.

land, he told the chiefs that the treaty of Waitangi would be inviolately maintained by himself and all his successors; but to rouse suspicion amongst the Ngapuhi and others, he affirmed that the king natives desired to "assume authority," and contemplated "the forcible subjection of those tribes who refuse to recognize their authority." Much of his address was kindly.

Having sent reinforcements to Taranaki and received satisfactory assurances from chiefs at Kohimarama, he wrote on the 14th July to Colonel Gold: "You will now have upwards of 2000 men of all ranks and a large force of artillery under your command, and you will, I trust, be able to strike a vigorous and effective blow on the rebel forces, either on the north or south of New Plymouth." Meanwhile Maj.-Gen. Pratt, Commander of the Forces in Australia, took the field, and Colonel Browne (27th July) told him that the Maoris "boasted with some truth that since our first arrival in the colony the British troops have gained no decided advantage over them, though our arms have always been immeasurably superior, and our numbers often in excess of theirs. . . . Finally, I beg the favour of your protection and kindness to the friendly natives, more particularly for the chiefs Mahau, Aperahama, Ihaia (the murderer), and Teira, and their men . . . faithful allies. . . . It is, however, quite true that all Maoris will communicate intelligence to the enemy; so far from considering such conduct shameful, they look upon it as right and chivalrous." . . . Mr. Parris possessed his confidence, and he begged the general to consult him.

The great meeting at Kohimarama (on the Melanesian mission grounds) commenced on the 10th July, 1860. Two hundred and fifty chiefs had been invited. About half that number attended. The Governor read his address in English. McLean read a translation in Maori. There was deep attention. The chiefs were then presented to His Excellency by McLean; the Governor departed; the chiefs conferred. The districts most fully represented were the Bay of Islands, Kaipara, Auckland, the Bay of Plenty, Wairarapa, and the west coast from Wellington to Wanganui. There were some members of the Ngatiawa tribe, but the Thames, Waikato, Taupo, Upper Wanganui,

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days, the chiefs, on reassembling, prayed that the native conference might be held periodically. Some said that if it had been thought of sooner, there would have been no Maori king,—no Taranaki war. Again they discussed the latter question, and finally decided that Hohepa Tamaihengia should visit Te Rangitake and explain the feelings of the conference. On the 10th August resolutions were carried disapproving the Maori king movement, justifying the Governor, condemning Te Rangitake and his allies, praising the idea of holding the conference, and complimenting McLean. Three chiefs recorded their protest against the condemnation of Te Rangitake. The Governor closed the conference (11th Aug.) and promised to convene another in the following year. Mr. Smith, Assistant Native Secretary, reported that the conference had been beneficial, and might be made effective, under judicious management, for removing difficulties. He invited attention to the conspicuous abilities of Tamihana Te Rauparaha and another Otaki chieftain, as well as to the important declarations of Wake Nene and Wiremu Nera, that they were ready to prove by deeds their loyalty to the Queen.

To complete the papers to be presented to the General Assembly, the Governor (20th July) had asked McLean whether the sellers of the Waitara block were justified in selling to the government, and whether Rangitake had a right to interfere. McLean answered the first question affirmatively, and the second in the negative. When this statement was made public, Archdeacon Hadfield wrote that McLean had himself informed the archdeacon that he (McLean) had not investigated Te Rangitake's title, and that a chief, Matene Te Whiwhi, averred that McLean expressed his regret that the Governor had been so hasty as to eject Te Rangitake by force without further investigation. McLean's defence was equivocal. He had initiated the investigation, though it was completed by an officer of the department under McLean's instructions. He had told the Bishop of Wellington that he was "impressed with the belief that Te Rangitake's claim was unfounded." "It is quite possible that I may have said that I had not personally instituted an inquiry on the spot immediately previous to the breaking out of hostilities." "I may have said that the

cession by Te Teira would not be sufficient alone, unless he were joined, as he has been, by other influential claimants." It was a chief who complained of the hastiness of the government, and McLean had only admitted that such was the general opinion among the natives. His state of health had "made it impossible" for McLean to make personal inquiry as to Teira's title.

On the 30th July, the Governor opened the General Assembly at Auckland. His speech arraigned Te Rangitake for forbidding a sale of land "to which he neither asserted nor possessed any title;" a daring untruth which his advisers must have propounded with misgiving, and which must have been heard with astonishment. From the conference at Kohimarama the Governor expected good results. The Houses echoed the speech, and the Taranaki war formed the subject of protracted debates. On the 30th Aug., by eleven votes against three, the Governor's proceedings were approved by the Council; but one of the dissentients was Mr. Swainson. Mr. Whitaker said bluntly "the Governor was responsible for the war, and the ministers were responsible for the advice they had given." There was no doubt that Te Rangitake's "offence was treason." "It was not the Governor who made war—it was Te Rangitake." Mr. Swainson said: "Seeing that it was the ministers who advised that the survey should be proceeded with, and that the land should be occupied by a military force, I hold that the ministers are responsible, both morally and constitutionally responsible for the war."

On the 16th August, the representatives resolved, after various proposed amendments, and nights' and days' debates: "That in the opinion of this House, the interference of Te Rangitake at Waitara, and his resort to force to prevent the survey of land there, rendered the measures adopted by His Excellency the Governor indispensable for the due maintenance of Her Majesty's sovereignty, and that the welfare of both races of Her Majesty's subjects peremptorily requires a vigorous prosecution of the war to a successful termination." Little did Colonel Browne and his advisers expect that in three short years the government would be forced to confess that Bishop Selwyn, Sir W. Martin, and the Archdeacon were wise, and that the claim

of Te Rangitake was righteous. Mr. Richmond (3rd Aug.) while introducing a "Native Offenders Bill," treated of the Taranaki war. He would, in future, move for a Committee to report upon the expediency of a change in the existing mode of extinguishing the native title, and would afterwards make proposals for the civil government of the natives. An eloquent appeal of Dr. Featherston on behalf of the Maori people, unrepresented in the House, provoked applause; yet Dr. Featherston, believing the war to be unjust and unholy, saw that retreat was dangerous, while success was shocking. Mr. Carleton demanded inquiry into the causes of the war. He laughed at Richmond's idea that the District Commissioner was himself a court capable of determining the Waitara dispute:—"a court that was at once judge, jury, and plaintiff." . . . "A District Commissioner (to borrow Mr. Richmond's words) to have power to declare a native claim 'a bag of wind!'" In moving (7th Aug., 1860) for a Committee of Inquiry, he declared that "the government case had completely broken down." Te Rangitake's eloquent and forcible letter completely cut away the plea that he had no right to the Waitara land. The government professed a willingness for inquiry, but thwarted it. Amendments were moved, and finally inquiry was forbidden. Amongst Mr. Carleton's supporters were Mr. Fitzherbert, Mr. Forsaith, Dr. Featherston, Mr. Bell, and Mr. Fox. The amendment (carried by Mr. Sewell) was that Archdeacon Hadfield and Donald McLean should be examined at the bar of the House. Their opinions differed as to Te Rangitake's rights. The Governor triumphantly reported that the justice of his measures was asserted in the division of 16th Aug. by 19 votes against 4; but it was impossible to gather from his despatch that in preliminary debates the majority was narrower, and that some members confessed their reluctance to sanction an unjust war which, when entered upon, they felt it dangerous to the reputation of the government to abandon. Of the discussions, at the close of which the New Zealand members virtually followed the Governor in submitting to the ministry, it is just to furnish a short narrative.

Mr. Forsaith sadly admitted that no retreat could be

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[illegible] Mr. C. W. Richmond interjected
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[illegible] months we had been living among
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the money had been paid. In this case it had been thought prudent to make it out sooner . . . because in the state of disorder it was quite possible that some of the claimants might be killed." "Then," said Mr. Fox, "the government made this purchase in expectation of a war." "No," replied Mr. Richmond; "it had been completed since the beginning of the war." Mr. Fox retorted that the House now knew that the purchase of the land fought for was "entirely incomplete." The interruptions made the case worse. With an incomplete purchase, hurriedly effected, and without any foresight of the consequences, the colony had been plunged into war. Mr. Fox felt bound as a member of the House, as a man, and as a citizen to vote for an inquiry. Dr. Monro taunted Mr. Fox for his new-born zeal for the treaty of Waitangi. Did he, when a servant of the New Zealand Company, abandon his employers because they had termed the treaty a "praiseworthy device to amuse naked savages?" Dr. Monro wished to see "the subjugation of the rebels accomplished in the first instance." They could think afterwards of other matters.[7]

Mr. Sewell (who had ceased to be a minister in 1859) thought a general inquiry useless, but as Archdeacon Hadfield's name had been made use of, considered that he and Mr. McLean might be examined. Mr. J. C. Richmond violently assailed Te Rangitake. In coupling the name of Parris with that of Ihaia, Te Rangitake proved that, as he recklessly murdered character,[8] he would "not scruple at anything to attain his ends." As to Fox's attack on the petition of the Taranaki Council, though Mr. J. C. Richmond had no hand in framing it, he was "willing to adopt its opinions." . . . The "petition has no humbug about

[7] 1894. In the first edition quotations from speeches in the House were made from newspaper extracts (the "New Zealander") sent with official despatches. In 1886 the Parliamentary Debates of 1860 and other years were officially published in New Zealand. That publication is generally quoted in this edition.

[8] Mr. Forsaith, in reply to this accusation, said: "Was the allegation contained in Te Rangitake's letter, that Mr. Parris had been the means, either by influence or by message, either directly or indirectly, of fetching Katatore, or of inducing him to go somewhere, by which means he met with his death—was this substantially true or false?"

Mr. Dillon Bell: "I believe substantially it is true."

Mr. Forsaith: "Exactly so."

it; it plainly states all the wishes of the petitioners." Mr. Daldy, a member of Fox's brief administration in 1856, advocated inquiry. Mr. C. W. Richmond declared that the ministry assumed a neutral position as to the motion for inquiry, but asked the House to consider the position of the Governor in guiding "the great machine of representative government." The line taken by some members raised in his "mind some serious reflections as to the fitness of parliamentary government for a country in the position of New Zealand." Mr. Dillon Bell deprecated reflections upon the Governor and animadverted on the deceitfulness of the ministry in concealing from Parliament the Governor's disapproval of the Territorial Rights Bill. Mr. Brandon supported the motion for inquiry; and Colonel Haultain regretted the attack which had been made by Mr. J. C. Richmond on the Commander of the Forces, who had "no doubt received special instructions." Mr. Sewell moved that Archdeacon Hadfield and Mr. Donald McLean be heard at the bar of the House. Mr. Forsaith traversed the allegation that the government had been forced into the war. They had taken a position that forced it. He thought a committee of inquiry should be chosen by ballot. It was pitiable to watch the impotent attempts of the Native Minister to extricate himself from the dilemma he was placed in by Mr. Fox as to the purchase-deed. As to Te Rangitake, he reminded the House that it was "a well-known fact that Te Rangitake, and that section of the Ngatiawa whom he represented, were never dispossessed by the Waikato," and substantiated his assertion by an incident known to all. Mr. T. King (one of the Provincial Council at Taranaki which petitioned the Assembly to permit Maoris to sell, whether they formed "a majority or only a large minority of claimants," and asked the Government to compel "an equitable division of the Maori common land") supported the government. Mr. Fitzgerald's amendment was lost by 15 votes against 18. Mr. Carleton's motion was lost by 14 votes against 19. Mr. Sewell's amendment was carried by 18 votes against twelve. The Archdeacon, examined by Mr. Fitzherbert, was cross-examined by Mr. C. W. Richmond and others. McLean, examined by Messrs. C. W. and J. C. Richmond, was cross-examined by

Fox. Their opinions have been sufficiently set forth in these pages. Afterwards Mr. Stafford carried (16th Aug.), by 19 votes against 4, the resolution already quoted, which supported "the measures adopted by His Excellency at Taranaki."

Mr. Dillon Bell's speech showed how grinding was the pressure of events upon men's minds. He voted for Mr. Stafford's motion, but "thought it extremely probable we should find some of those now in arms against us could show a good title to some of Teira's block." He had thought so before, and the evidence confirmed him. Yet Mr. Bell would decline to hear the claims of Maoris unless "they choose to come in as peaceful citizens." Had he been entitled to advise the Governor in March, 1859, he would have warned him that he was "getting into an almost insuperable difficulty" at Waitara; but he was indignant with Te Rangitake for "rejecting with contumacious insolence" the Governor's offer of a safe conduct. Though the resolution ought to have stated that the steps taken were justifiable, not "indispensable," Mr. Bell would vote for it.

Dr. Featherston inveighed, not against the Governor, but against the ministry who had brought "undue pressure upon the Governor in order to force him to acquire possession of Waitara, no matter by what means, or at what sacrifices." If with 3000 soldiers the position of Taranaki was barely tenable, how many would be required if the tribes in general should rise against injustice? If the Lord Stanley of 1843 had ruled in Downing Street, a prediction by Dr. Featherston might have been fulfilled.

"When the directors of the New Zealand Company suggested to Lord Stanley that the Treaty of Waitangi was a praiseworthy device for amusing and pacifying savages, his Lordship replied that he 'would not admit that any party or any government acting in the name of Her Majesty can contract a legal, moral, or honorary obligation to despoil others of their lawful or equitable rights.' Sir, I venture to predict that when Her Majesty's Government learn the facts of the present case—when they learn that the war originated in a grudge entertained by Teira against his chief—that because a native girl jilted Teira's brother and married Te Rangitake's son, Teira swore he would have his revenge; that knowing that Te Rangitake had given a solemn pledge to his father not to sell Waitara, but to keep it for an inheritance for the Ngatiawa, Teira resolved to satisfy his revenge by selling Waitara to the government, when they know that of the six hundred acres offered by Teira and purchased

by the government only a small portion really belonged to Teira; that the greater portion is owned by natives who have either protested against the sale or have never been consulted in the matter, and that no investigation worthy of the name has ever been instituted into their claims—when the Home Government learn these facts, if they have not already learned them, I venture to predict that their answer to His Excellency's application for troops will be that those who have been guilty, while acting in Her Majesty's name, of so great a wrong—who have plunged the country into such a war—are no longer worthy of Her Majesty's confidence, and that instead of reinforcements, Her Majesty's Government will send out peremptory instructions to bring the war to a close, and to prevent any further shedding of blood in so unjust a cause." . . .

Mr. C. W. Richmond denied that he had brought pressure to bear upon the Governor. He thought only "two or three Europeans in Taranaki knew" beforehand that Teira intended to offer the Waitara block to the Governor, and his own "presence was accidental." Forgetting or concealing his urgent note to Mr. Parris,[9] or drawing a distinction between him and others, Mr. Richmond declared: "After the offer was made and accepted, I never corresponded with any New Plymouth settlers upon the subject. . . . Could the Governor recede from the engagement he had made? His Excellency thought not, and we agreed with him. And I now declare, in view of all the calamities we are witnessing, that I should, under the like circumstances, give the same advice again. . . ."

Mr. J. C. Richmond abetted the previous speaker by declaring that the "choice of Taranaki as the place where the issue should be tried, was politic."

Mr. Fox hoped that the Native Minister would be able to show that "he and some of his constituents were not the authors of the war."[10] "It was the general desire of the honourable member and his constituents to obtain land at Taranaki, to which he had pointed as the key of this war."

Mr. Weld, who had become a member of the government in July, recurred to the argument that a Maori ought not to be allowed to prefer "a claim with arms in his hands."

[9] *Vide supra*, p. 75 cap. ix.

[10] The difficulty of analyzing contemporary statements about New Zealand affairs is shown in the fact that though Mr. Fox so vigorously inculpated the ministry in 1860, he used very different language in 1876. Addressing the Royal Colonial Institute (23rd May) in London, he said: "I am bold to affirm that the colonists were not in any case responsible for the wars (in New Zealand)."—"Proceedings, Royal Colonial Institute, 1875-6."

Mr. Fitzherbert defended Te Rangitake, and averred that the marked contrast between the conduct of the government at Taranaki and elsewhere showed "sinister influence exerted when it was hoped to be likely to favour the constituents and immediate dependents of the Native Minister." Subsequent speakers declined to relieve the ministry of the burden which was sought to be placed upon the Governor. Mr. Carter said: "The ministry entered on this war on their own responsibility, and unprepared for it."

By the passing of Stafford's resolution war to the knife was declared; and it has been necessary to describe the proceedings which sanctioned it. Colonel Browne accounted for the small number of members who voted by saying that perhaps some opposition leaders did not wish "to commit themselves too definitely against the war;" that some government supporters "did not take the trouble to attend;" and some members "recognized the justice of the war, but objected to a portion of the words of the resolution." Thus it came to pass that less than a majority of the House committed it to war; and that the votes of representatives from the Middle Island overbore those of members from the north. Unconscious of the joint tenure of Maori land, or in mere obedience to the ministry, Colonel Browne reiterated that Te Rangitake had no claim on the Waitara block—"that the title of the vendors had been carefully investigated and proved good,"—and that "other claimants cited by Archdeacon Hadfield had been stimulated to put forward groundless claims by the agitation carried on by Europeans." His advisers were at his side[11]

[11] As Colonel Browne's friends denied that he was so weak as to be influenced by others to abandon his previous determination about coercing Maoris to sell land, it may be well to show that he was thought at the time to be so influenced. In 1858, in opposing Mr. Richmond's views on the Native Territorial Rights Bill, Colonel Browne cited the late Chief Justice Martin as one "whose experience and intimate acquaintance with the Maoris cause him to be recognized as an undisputed authority in everything relating to them" (P. P. 1860, vol. xlvii. p. 18). In Sept., 1859, before he was completely enmeshed, Colonel Browne wrote: "The Europeans covet these lands, and are determined to enter in and possess them—*Recte si possint, si non quocunque modo*" (*ibid.* p. 78). In the same paper he sighed for a council of advice (on Maori matters) containing Bishop Selwyn and Mr. Martin. In Dec., 1860, he aspersed Hadfield, and disputed with

permanent institutions. The questions of "tribal title, ultimate individualization of native title, and the constitution of tribunals to determine Maori disputes amongst themselves about territorial rights," were, as Mr. Richmond informed the House, to be referred to the conference of 1861. But other members were less sanguine than he in expecting that by such means the king movement could be extinguished. He had (early in August) introduced a Native Offenders Bill, giving enormous powers to the Governor in proclaiming districts within which it should be unlawful to hold communication with the Maoris. The debates on the appointment of a committee postponed a decision on the Bill, and there was excitement out of doors.

Bishop Selwyn, Hadfield, Maunsell, and others protested against the power of outlawing districts. It seemed to them that the Bill enabled the Governor to determine what was law, to declare anyone an offender, to ban any combination of natives, and to construe into an unlawful purpose any proceeding of the natives not specially described in the Bill. They asked that no British subject should be subject to penalty or disability "without being brought to answer by due process of law." Stafford angrily accused the Bishop of lending his name to inflame passions and retard peace, and carried the second reading on the 11th Sept. by 19 votes against 17; but on the motion for the committal of the Bill on the 25th Sept., the ayes were 18 and the noes were 18; and though the voice of the Speaker kept the Bill alive, Mr. Stafford acknowledged his inability to pass the measure, and it was withdrawn.

A Bill to create a Council to assist in managing native affairs was reserved by the Governor for the Royal pleasure. The council was to be appointed by the Crown. But its functions were to advise on all matters on which the government might consult it, to assist in drafting laws, and to "act in special cases in an administrative capacity at the instance of the Governor-in-Council." Mr. Fox moved resolutions expressing regret that the Imperial government had brought in a Bill removing native affairs from control of the New Zealand Legislature, and a Joint Committee of both Houses recommended that there should

[illegible] advice in native affairs, appointed by the [illegible] consulted on all occasions by the local government, [illegible] should nevertheless exercise discretion as to [illegible] the advice of the council. The Bill framed on [illegible] recommendation was amended at a Free Conference [illegible] the Houses, and on the motion of Mr. Sewell, it [illegible] after passing the Bill until the precise views [illegible] were ascertained, the House being desirous [illegible] control of native affairs should be placed [illegible] the ministers, "subject to the provisions of [illegible] the proper constitutional action of the [illegible] the Executive." Thus challenged, the [illegible] the resolution, with the proviso that [illegible] should "have the same inter- [illegible] native affairs as in reference to other [illegible]

[illegible] in the Imperial Parliament came to [illegible]

[illegible] 1860 told the Governor that it had [illegible] opposed it as an invasion of [illegible] were hostile because they feared [illegible] might imply correlative respon- [illegible] added that the ministry [illegible] not merely to maintain the [illegible] in native affairs, but as [illegible] the New Zealand Constitu- [illegible] the means of effectively [illegible] Mr. Fortescue had (perhaps [illegible] which remained with [illegible] described his wavering and [illegible] Native Council Bill [illegible] House that it was only at his [illegible] consented to sit in the [illegible] receive the Royal assent in [illegible] was to be Secretary, and [illegible] was to be member of the [illegible] "great regret" Sir W. Martin [illegible] proposed to be constituted. [illegible] Bill to England the Governor [illegible] himself and his respon- [illegible] "I believe," he said,

"there has been little or no difference of opinion between myself and Mr. Richmond; but the responsibility has rested on me, while, with the exception of £7000 a year (the appropriation of which I cannot alter without the consent of my advisers), the power of the purse, which is all but absolute, has been altogether in the hands of ministers. This has been an unequal and unsatisfactory division." His conversion to Mr. Richmond's ideas, which he had once so sternly condemned, prevented him from seeing whither he was led.

The ministry was in danger during the session on the burning question of provincial finances. In committee, on resolutions moved by Richmond on native policy, the disposal of proceeds of land sales was involved. Forthwith a more vigorous sense possessed the members than when justice to Maoris was in question. Mr. Fox protested against "any tampering with the compact of 1856." The ministerial phalanx lost a few members. The division was 17 against 17. The chairman voted against the government, "stating as his reason that agreements made with the provinces ought to be adhered to."

It was during the session of 1860 that the House appointed a Committee to inquire into the circumstances under which Fenton's mission in 1857 was undertaken "to introduce institutions of civil government" in the Waikato district. So far as their labours elicited facts occurring in 1857 and 1858, and distributed doubtful blame between the Native Secretary, Mr. C. W. Richmond, and others, it has been convenient to state the results in preceding pages. But they sat often and long. They gave an Arawa chief, Wiremu Maihe Rangikaheke (a clever debater, of eager manner, with a Caucasian cast of countenance), a message inviting the attendance of Te Waharoa the king-maker. McLean (who in 1857 rebuffed Waharoa at Auckland) disapproved of the invitation, and induced Rangikaheke to disregard the Committee. Before doing so he told Sewell, the chairman of the Committee, that he did not approve of summoning Waharoa; but, on being examined, he declared that when he intercepted Rangikaheke he was not aware that the chief was the bearer of a letter from the Committee. He professed to be anxious for Te Waharoa's

presence, and undertook to procure it, if possible, by other messengers. He failed. But the king-maker wrote (24th Jan., 1861) in reply to the chairman's invitation:—

"Salutations to you, the chairman of the Governor's runanga. I have received your letter which was written in October, inviting me to Auckland. Here is a waiata (song):—

'Continue to strive in vain;
By you I will not be rent in sunder:
Like the tree of the forest
I will maintain a bold front.
'Twas I that loosed you from this belt,
And now--behold the boundary which divides us:
I am the centre of Raukawa.'

Friend, what is the use of our talking after the evil has taken place? Had you, indeed, written when the evil was small, it would have been well, and I would have gone; but now that the evil has grown to the height, what is the good? Behold the kindling of a fire. When it is small it can be put out; but when it has spread it cannot be extinguished. So, when the tide is low the creek can be crossed, but not when the tide has swollen to the full. . . . Hearken; if any chief goes before the Governor, and supports the 'mana' of the Maori, and our right to hold our land,—such are my thoughts. These are the causes of the setting up of the king. If you see a chief whose words seem hard when he visits the Governor, or is present at Pakeha or Maori inquiries—he is my friend. Or if you see a chief who declares that his own 'mana' is over his own piece of land, know that such is my thought. I have heard that Rangikaheke and Waata Kukutai have been before the Pakeha runanga, and told their opinions. Lo! that is it; hearken to them. It was one of those thoughts that set up the Maori king. I cannot, however, tell you all the causes. They are many. Let the portion I communicate be small. One thing I will tell you: the Governor's words are as wool, but within, at his heart, he is a ravening wolf.—From your slave, W. T. Te Waharoa."

Knowing well how the Governor's mild professions were outraged by the forcible seizure of tribal lands, and perhaps (in the undoubting conviction of a mind to which tribal tenure had been familiar from youth) incapable of believing that any one could be ignorant that the rape of the Waitara was wrong, Waharoa used strong language. It alarmed the Governor's advisers. They began to find that words in the House could not carry on the war. By appealing to excited passions, and perverting the case so as to make it seem that the honour of the Queen was pledged to do dishonourable deeds, they had secured majorities, in which members from the undistracted Middle Island were prominent. But majorities without means were worthless. British blood and British treasure were demanded. General Pratt (Aug.,

1860) reported that the military position was difficult. The Maoris crept up in small parties, inflicted damage, and escaped with impunity. "With the assistance of my advisers," the Governor wrote, "I have been able to comply with all General Pratt's demands, and to assure him that this government will spare nothing to enable him to carry on the war vigorously, and bring it to a successful conclusion." At the same time he wrote: "I sent Mr. McLean to aid in reassuring the friendly natives, who appear to have lost confidence in us." General Pratt was urged to remove the women and children from the settlements; and, when relieved from impediments, to inflict severe punishment on the enemy, who always "construed escape into victory," and who generally escaped. Friendly natives, including Ihaia, were to be paid.

Thus instructed, the General returned to Taranaki, where Major Nelson had obtained sixty-eight pounders, with which he could, from the Waitara camp, breach the Puketakauere pah, and avenge his repulse. In a few days General Pratt reported that the Maoris at the south suddenly retired from their entrenchments, and abandoned the Puketakauere pah. Neither McLean nor the friendly natives could explain these movements. The General, anxious to fight, could find no enemy. Yet the settlers were cooped in a narrow space at Taranaki; and McLean reported that only two persons, the Rev. Mr. Brown and a Maori disciple, could go as far south as Omata without being shot. In September the General advanced upon empty pahs, but when approaching the forest the troops were fired upon from an ambuscade. Colonel Browne lamented (18th Sept.) that no serious impression had been made, and urged the General to harass the enemy by guerilla attacks in their planting season, then beginning. The difficulty would be great; but unless the war could be put an end to at once it might be continued indefinitely.

It was much easier to give such advice than to act upon it. Gliding through the forest which enclosed the open country near the sea, the Maori had the advantage of the encumbered soldier. Silence was golden in such a case, and the mute Maori heard with pleasure the rattle of the Pakeha accoutrements, or the angry exclamation of the

[illegible] through the tangled thicket. The [illegible] content to receive such advice silently. [illegible] situation which he had found on the 3rd [illegible] were driven in, cattle seized, property and [illegible] an attack on the town was threatened. [illegible] doubled. Outposts threatened by the [illegible] be abandoned; and their garrisons [illegible] number of men available for general action. [illegible] through the forest could at any time [illegible] The inhabitants would not be deported as [illegible]. He had only prevailed on 112 women [illegible] and he could not resort to force. [illegible] make an example at Puketakauere, by [illegible] retreat of the rebels before taking the [illegible] its evacuation. He found it impos- [illegible] the retreat of the Maoris from any place [illegible] defend. During a few weeks he had [illegible] twenty and thirty undefended pahs, [illegible] habitations, and much provisions. The [illegible] Colonel Browne, of harassing the Maoris [illegible] was impracticable. He did not dread [illegible] the numbers of the Maoris. If they would [illegible] position, or accept battle in the open [illegible] satisfied that he could obtain good results. [illegible] did not press his views on the General, but [illegible] Secretary of State to observe that, when he [illegible] the gage of battle in March, he had every [illegible] that the available force (outnumbering [illegible] more than sufficient to put down opposi- [illegible] with reports that Auckland would be [illegible] at the Thames was said to have planned [illegible] against it. Colonel Browne complained of [illegible] circumscribed powers, and inadequate [illegible] reinforcements from England were anxiously

[illegible] at Auckland in October. Eriata, a [illegible] dead at Tatamahoe, about thirty miles [illegible] The natives thought he had been shot by [illegible] A meeting was called, and it was ascer- [illegible] that at a given signal all the [illegible] were to be murdered. Archdeacon

Maunsell was in the neighbourhood, and McLean went to the meeting. After the Archdeacon had spoken, McLean was able to allay the excitement. Ihaka was conspicuous for his friendliness. He was the chief of the dead man's tribe. But another meeting was held a few days later. A war-party of 100 Maoris went thither. Ihaka with two followers met them, in a peculiar attitude, interpreted to mean—"Here we are, what do you want with us? We are prepared." A war dance ensued; fierce speeches were made; the production of the supposed murderer was demanded, then an examination, and, in case of proven guilt, the surrender of the culprit to the Maoris. Ihaka and Mohi replied that the previous inquiry was sufficient. Mohi, at the end of his oration, broke a stick, throwing one piece on the ground, in token that the matter had been concluded. "Let there be no evil" (he said) was old Potatau's advice. Tamati Ngapora pacified the war-party, and invited them to a feast, which ended the proceedings.

A few days afterwards two Europeans assaulted Ihaka, as he was labouring for peace, and the chief assured the Governor that if his blood had been shed his followers could not have been restrained. The Governor conferred with Ngapora and Takerei, who had become an adviser of the Maori king. The former alleged that a Maori, who had fought at Taranaki, had been sought for by the police at Auckland. His arrest would have been a sufficient cause of war. (Parenthetically, the Governor told the Secretary of State, "the man was not arrested because I feared reprisals on our out settlers, and a magistrate who declared his intention to arrest him was fortunately unable to put it into force.") After four hours, the conference broke up with little result.

Two days later (31st Oct.) came tidings that the king-maker was on his way to the scene of the supposed murder with 400 men. Alarm ran like wildfire through Auckland. Europeans at Otahuhu, nine miles from Auckland, implored protection. Browne instructed Colonel Kenny to call out the militia, and do what he could. At midnight, Ihaka visited Browne to say that the king-maker had informed him and Tamati Ngapora that no aggression of which they might disapprove should be committed. Browne

countermanded the order for sending soldiers to Otahuhu. But all was not over. The Maori-king natives mustered at Ngaruawahia. Rewi, the Ngatimaniapoto chief, was, fortunately, absent at Taranaki. From Ngaruawahia more than 300 warriors went down the Waikato river in their war-canoes, under the young king Matutaera and Te Waharoa, the king-maker. At Paetai they had a war-dance. A letter from Ihaka, to say that the death of Eriata had been duly considered, did not restrain the young men of the party. They disregarded Matutaera, who returned homewards. The king-maker remained with them to prevent mischief, but could not induce them to abandon their journey. At Tuakau, about thirty-five miles from Auckland, Bishop Selwyn and Archdeacon Maunsell met them. Though his advice was reviled by Richmond and his colleagues, the Bishop was ever daring to do good and to make peace. Long conference took place. Some wild spirits brooked no delay, and with two canoes pursued their journey. The Archdeacon spoke to the king-maker, who sent a letter after them in haste: "Come back, and come back in peace." Whakapaukai obeyed the missive, and Mr. Gorst remarked that the Europeans owed their salvation on this occasion to Te Waharoa, the Waikato rebel. It was known afterwards that, by journeying on foot, the Bishop had carried a message to friendly chiefs, who undertook to bar the war-party from passing through their territory. When the Bishop died, the settler (at whose house the Bishop arrived soon after sunrise, dripping from the fording of a creek) told the story. Pirimona was the name of the gallant Maori who shared the Bishop's troubles. The Bishop himself recorded the fact that the brother of the Maori supposed to have been murdered, when convinced that the supposition was untrue, mounted guard at the house of a settler to defend him from attack.[12]

In reporting the alarms caused by the death of Eriata, the Governor called attention to the fact that peace and life depended on the exertions of a few chiefs, of whom only one received a stipend of £50 a year. "This brings promi-

[12] "Life of Bishop Selwyn," by Rev. H. W. Tucker. (London, 1877.) Vol. ii., p. 169.

nently to light what I have so often stated, that it is only by means of employing the chiefs, giving them Crown grants, and attaching them to the government, that we can hope to keep the country tranquil. The means placed at Sir G. Grey's disposal enabled him to do this without difficulty, and I perceive that he is following the same plan at the Cape of Good Hope." The Duke of Newcastle (Jan., 1861) entirely concurred with the Governor that "the government of the natives should be carried on through the chiefs, and that it would be a wise policy to secure to the British government their services by grants of land or money, or of such other advantages as are calculated to retain their attachment." The contradictions in human nature were never more exemplified than by such an interchange of sentiment between a Governor fresh from the pillage of Rangitake and a Secretary of State who sanctioned the pillage, and thus caused that "indefinite expenditure of blood and treasure" which Sir G. Cornwall Lewis sagaciously foresaw. Sir W. Martin prepared a pamphlet on the Taranaki question. Maori land tenure, the facts connected with the Waitara block, the proceedings of the government and the probable consequences, were handled with judicial gravity. The injustice of the Native Offenders Bill was touched upon, and the writer declared that justice only was needed in dealing with the Maoris.[13] Those who are curious as to details may read the pamphlet in the New Zealand blue-books of 1861. The Governor's advisers determined to reply to it. "Notes by the Governor on Sir William Martin's pamphlet" were officially promulgated. The public knew that Richmond and his colleagues prepared

[13] Nets were spread widely to create offences under the Richmond-cum-Wittaker Native Offenders Bill. Any district might be proclaimed under it. Any visitor, any purchaser or seller within it, any holder of "any communication or correspondence whatever, directly or indirectly," with a Maori in it, &c., &c., or any person aiding or abetting any person in such offences, was to be deemed guilty. Tribes might be proclaimed under the measure. A first offence entailed a fine of £100 at the discretion of two justices. A second offence entailed hard labour with imprisonment; a third constituted felony, and drew down penal servitude for not less than three years. No investigation as to the causes of proclamation was provided for. Letters from Sir W. Martin, written to procure peace, might have subjected him to the discipline of a gaol under the control of the Attorney-General.

[illegible]

[illegible] Sir William Martin.

Sir W. Martin rent this sophistry to shreds by declaring that military force was not placed in the hands of a Governor to enable him to seize by force that to which as a land-buyer he had not acquired a title. "It is not lawful for the Executive Government to use force in a purely civil question without the authority of a competent judicial tribunal. In this case no such authority has been obtained; no such tribunal has been resorted to. If there was no existing tribunal, the duty of the government was to establish one. . . . To acquire the Waitara land immediately was not a necessity. To do justice to the Queen's subjects was a necessity."

The "Notes" and "Revised Copy" lamented that it was "one of the most serious embarrassments against which the government have to contend, that publications such as those which the Bishop of New Zealand, the Bishop of Wellington, Archdeacon Hadfield, and now Sir W. Martin have put forth, lead the natives to believe that the Governor has initiated a new course of policy which will end in wresting their lands from them, and subverting the rights they possess under the treaty of Waitangi." Mr. Richmond's "Revised Notes"[15] added that such publications were embarrassing, "even when circulated by persons whom it may not be worth while to notice. Sanctioned by the high authority of Sir W. Martin they really become a public danger." It was the shame of exposure which confounded Richmond. (When one of the Governor's despatches declared, 29th March, 1859)—Should the purchase be completed, "it will probably lead to the acquisition of all the land south of the Waitara river, which is essentially necessary for the consolidation of the province as well as for the settlers"—Mr. Richmond might well fear that unless Sir W. Martin could be silenced, the wrong-doing of the ministry would be made clear: and he fought wildly. He had written with regard to the pahs on the block at Waitara that Te Rangitake had been joined by natives who had "encroached with their cultivations upon the proper owners." (At a later date he wrote: "Every-

[15] "Revised Copy. Notes on Sir William Martin's pamphlet, entitled 'The Taranaki Question.' Published for the New Zealand Government." Auckland: Jan., 1861.

body knew there were pahs. . . . Bell and I wrote an explanation showing that Te Rangitake's small pah was put up by the consent of the selling party.") The case put by Sir William Martin compelled him to urge in the "Revised Notes:" "As regards the cultivations of Te Rangitake himself, neither he nor any of his people had cultivations on the block. No pah was burnt by the soldiers." Yet, in 1863, an English officer, Lieutenant Bates (65th Regt.), found a witness of the burning of the pah in the person of Mr. Carrington, who was for twenty-two years surveyor at Taranaki; and an officer (Bulkeley) and a private (Houltham), both of the 65th Regiment, testified in writing that they were present at the destruction of the pahs in March, 1860. It would be tedious to trace the tortuousness of Mr. Richmond. How he dreaded Martin's practised lance was shown when the "Revised Notes" were published. The Governor promulgated a notice which, while "recognizing the right of free discussion," declared that there were occasions when its exercise was dangerous, and he felt it his duty to state that "such an occasion now exists in this colony." A copy of the notice was sent to Sir W. Martin. His "Remarks" on the "Notes" and on Mr. Richmond's "Memorandum" were privately printed; but, in deference to the Governor, Sir W. Martin wrote that he "abstained for the present from giving publicity within the colony to the following pages." In the "Remarks" he refuted the assertion that Te Rangitake had broken faith with the government by settling on the south bank of the Waitara. How little the statement, if true, would have assisted the contention of the government, Sir W. Martin proved by pointing out that Teira, who was among those who re-migrated in 1848 under Te Rangitake, was recognized by the government as having purchaseable claims where rights were denied to his leader. With scathing truth Sir W. Martin pointed out that Governor Browne himself in 1855 described Fitzroy's recognition at Taranaki of all absentee Ngatiawas, as a "just decision."

Richmond denied that in law or in fact the law had anything to do with Maori territorial rights. They stood on treaty of which the Crown was "the sole interpreter,"

and the Governor was "justified in enforcing his jurisdiction in the only practical mode, viz., by military occupation."

Sir W. Martin cuttingly answered: "I have argued that the people of Waitara, being subjects of the Crown, have not been dealt with as subjects of the Crown. Mr. Richmond answers by saying they are not subjects of the Crown; they have had all they are entitled to." Martin quoted the Waitangi treaty which guaranteed to them "all the rights and privileges of British subjects," and said those rights "must mean at any rate the opposite of despotism." Mr. Richmond had overlooked the fact that if the treaty were, as his argument implied—

"a treaty in the ordinary sense, then the right of interpreting and enforcing it must belong not to one party but to both equally; that the natives are at liberty to resort to force in support of their view as much as the Governor in support of his; and that they cannot be charged with rebellion if they do so. However little the theoretical value of Mr. Richmond's doctrine may be, it is a significant and remarkable fact that such a doctrine has been put forth. It is remarkable as bearing on the position which I have maintained, that the natives at the Waitara, being British subjects, have not been treated as British subjects." What was it that Mr. Richmond "called by the name of the Crown" in the Waitara land-purchase? "The Governor judging in this particular case is simply and in fact Mr. Parris. . . . The majesty of the Royal word and the largeness of the national undertaking issue in the decision of an Assistant Land-Purchase Commissioner."

It must be conceded that in their own generation the government were wise in endeavouring by an *ad misericordiam* appeal to silence the reasoning against which they were unable to contend.

The Duke of Newcastle did not rebuke the wisdom by which he refused to be guided. In March, 1861, he told the Governor: "It is an advantage to me to be in possession of the views of so eminent a person as Sir W. Martin, accompanied by your own comments and criticisms, and those of your ministers where you or they feel compelled to differ with him." But the advantage on which he congratulated himself bore no fruit. Sir W. Martin could prove that all Governors had solemnly pledged themselves to obey the treaty of Waitangi; that Fitzroy had in the Queen's name recognized in all their integrity the rights of Te Rangitake at Waitara; that as a chief, as a member of the tribe, and as an occupier, those rights were irrefragably concentrated in him; but the proofs were lost on the

Secretary of State. He approved of the "proclamation issued (by the Governor) for the purpose of inducing loyal subjects to refrain from publishing opinions which may tend to impugn the justice and legality of the course pursued by Her Majesty's Government during the present juncture of affairs in New Zealand." Yet a lurking homage was paid to Sir W. Martin. With regard to the letter in which Sir W. Martin consented to withhold his "Remarks" from publicity in the colony, the Duke wrote (27th May, 1861):—

"Although I should much regret that anything should be published by so high an authority as Sir W. Martin, which might tend still further to disturb the minds of the New Zealanders, I feel satisfied that he has only been influenced in the matter by a sincere desire to take that course which would prove for the ultimate benefit of the colony."

When Colonel Browne notified to England Martin's consent to withhold the publication of his "Remarks," he deplored the effect of such arguments as Martin's. Disaffection was spreading; there was a "sad prospect before us of that struggle of races which it has been the constant and earnest aim of every government in New Zealand to avert. (He did not wish to accuse Sir W. Martin.) I and my advisers have ever endeavoured to do justice to his motives." He referred to the protests of Selwyn and Martin against Earl Grey's iniquitous Instructions (of 1846) as a similar error; although in 1859 he had extolled Sir W. Martin as holding "the enviable distinction of being universally respected by all parties and both races," and being the man whose character and wisdom would silence calumny if his advice were accepted on Maori affairs. Nor did the Governor's mental contortions end here. He informed the Duke of Newcastle (Jan., 1861), that Mr. C. O. Davis, the Interpreter, who resigned office when he found it untenable under the growing interference of the Governor's advisers, had published "at Maori expense" portions of Sir W. Martin's pamphlet; "that those most competent to form an opinion consider the publication likely to do an incalculable amount of mischief; (and) under these circumstances I have issued the public notification (restraining the exercise of 'the right of free discussion')." Soon afterwards (March, 1861) he wrote: "I have always

wished to communicate with Waharoa (the king-maker), but owing to the conduct of Mr. C. O. Davis, as described by himself to Mr. Clarke, I have never been able to do so." Yet Waharoa, seeking in 1857 to lay the Maori grievances before the Governor, was not allowed to see him; and not till then did that chief call upon the Maoris to elect their king; and even in 1860 McLean, then high in the Governor's confidence, intrigued to prevent Waharoa from appearing before the Select Committee on Waikato affairs.

Colonel Browne's first martial success comforted him soon after he had piteously implored for help from England. In October, 1860, General Pratt marched beyond Tataraimaka; and, after sap, and steady firing with howitzers and mortars, took three pahs near the Kaihihi river, with casualties of only five wounded, amongst whom was Captain Pasley, R.E., serving on the staff and acting as engineer in the trenches.[16] The losses of the enemy were unknown. The advance of a large body of Waikatos to aid Te Rangitake was reported. On the 1st Nov., two Waikato chiefs wrote boastfully to Mr. Parris: "Friend, I have heard your word. Come to fight me—that is very good. Come inland that we may meet. Fish fight at sea. Come inland, and let us stand on our feet. Make haste, make haste; do not prolong it. That is all I have to say to you —make haste.—From Wetini Taiporutu. From Porokoru. From the chiefs of Ngatihaua and Waikato." On the 5th, the General was apprized that a body of Waikatos were to be at Mahoetahi (eight miles from Taranaki on the Devon Road to Waitara) early on the 6th. Communication by signals from Waitara to Taranaki enabled him to arrange that troops should start from both places so as to arrive simultaneously at Mahoetahi. He led 683 troops from Taranaki at 4 a.m., and at 8 a.m. found the Waikatos in possession of the pah, then in a dilapidated state. From their post, and from fern and swamp, the Waikatos fired. Guns were brought into position, bayonets were fixed, and the pah was stormed—" the enemy still retaining for a

[16] Captain (afterwards General Charles) Pasley had held a civil appointment in Victoria, but, when danger invited, placed himself at the disposal of the commander of the forces. [1894. The author's gallant friend has passed away: a loss to the *diu viventibus*.]

short time hold of a portion of the pah, and keeping up a most galling fire from the fern and swamp." Colonel Mould arrived with a column of 300 men from Waitara, in the rear of the Maoris at this juncture and threw rounds of spherical case from a howitzer, to dislodge the Maoris from the swamp, to which, when almost surrounded, they resorted. "The enemy finding himself thus hemmed in, and under a most murderous cross-fire, after an action that lasted two hours, turned and fled with much loss." Shot and shell burst over and amongst the fugitives. The retreat was rapid and the rout complete. The General thought the Maori loss from 80 to 100. "I never saw," he wrote, "a more powerful or gigantic set of men than these tribes, whilst their power of concealment was most marvellous; indeed, when close upon them, we only knew of their whereabouts by the smoke from their guns." Of the English, four were killed, and fifteen wounded. The General reported that twenty-seven Maoris were found dead. The boastful Wetini was among the slain, and the General thought Porokoru was killed also, but he lived to fight afterwards at Waikato. Wetini was honourably buried at Taranaki. The number of the Waikatos engaged was unknown. Very few of them were unwounded. Wetini's brother carried off a bayonet sticking in his body, and preserved it as a trophy. For two miles the road was stained with blood, and dead bodies were found by the pursuers. The General loudly commended the troops, and the Governor declared that such a timely success was matter for sincere congratulation. A Taranaki newspaper was jubilant. The day was a red-letter day in the annals of the province. "A shell had a most beautiful effect. The natives rose out of the swamp like birds, and were shot down and bayoneted, as they would not surrender." Great was the grief of the Waikato and the Ngatihaua. The king-maker had vainly endeavoured to dissuade his kinsman, Wetini, from the expedition. When a letter from Te Rangitake asked him what was the use of sending him "a disembodied flag," and why no men went to support him, the dashing Wetini could abstain no longer, but rushed to the fray. The king-maker prophetically said to him at last, almost in anger, "Then go and stop there." For

months the "tangi," or wailing for the dead, was repeated at Tamahere by the Ngatihaua. Rewi, the Ngatimaniapoto, was accused of failure to support the popular chief. He declared that Wetini would not listen to advice; that he had sent messenger after messenger to keep Wetini back from the snare; that his last messenger was killed in the trap at Mahoetahi, and that no more could have been done. But the Ngatihaua refused to be comforted. They urged the king-maker to vengeance.

Reprisals at Auckland were apprehended, and additional troops were collected there; but it was to Waitara that the Maori war-parties were sent. Colonel Browne was not ignorant of the feeling which was spreading among the tribes. Two months after the battle of Mahoetahi he found that sympathy with the Waitara chief was extending in the province of Wellington. In an intercepted letter was found a boast that of the Ngatiruanui, Taranaki, Ngatiawa, and Waikato only 63 had fallen (of whom 36 died at Mahoetahi), while 1500 Pakehas had been killed,—showing that bulletins of all countries are untrustworthy. At Hawke's Bay there was in Nov., 1860, a great runanga or assembly of the Ngatikahungunu; and a chief, Renata, made an oration of which the Governor sent a translation to England. The burden of the complaint was that the Governor plunged into war, and would not let the law decide whether Te Rangitake or Teira was wrong. "I indeed," said Renata, "will not be as the lick-platter assembly of the Governor; my words are proper and plain, forasmuch as that runanga has done wrong." He declared that the murder of Katatore was of the darkest kind, and that the Governor, the friend of Ihaia, had become his accomplice. He denounced the statement that Ihaia was a chief of importance. He was of low rank. Te Rangitake alone was the great man at Waitara, and known by all tribes. Governor Browne contemned Renata's speech as "evidently the result of European advice." Renata, in a published letter (Feb., 1861), justified his position, and replied to arguments of the Superintendent of Hawke's Bay.

In the end of Dec., General Pratt marched to attack the Waikato posted near Kairau at Matarikoriko. He had

about 1000 men, two 24-pounder howitzers, one 12-pounder, and two mortars. At half-past six in the morning he began to make an entrenched camp about 900 yards from the pah. Unmolested till nine o'clock, at that hour the troops were fired upon from a line of Maori rifle-pits, running along a deep ravine between the pah and the camp, and extending over 600 yards. From rifle-pits and high fern heavy firing continued till six in the evening, and was returned by the troops. No firing took place on the following day (30th Dec.), and when the General was about to resume operations on the 31st the Maoris had evacuated the pah. A Maori letter was found there in which a Waikato chief urged the combatants, Rewi and others, to spare the women and children. The English casualties were three men killed and twenty-two wounded. As usual, the loss of the Maoris was unknown. The General considered it must have been great to induce the abandonment of so strong a position situate in a dense forest. Pleased with this success over "the vaunting Waikatos," as he called them in his despatch, General Pratt pushed forward redoubts in the face of harmless fire from rifle-pits. A letter from one of his allies had been found (in the captured pah) warning the Waikato of the intended attack, and the General thought of trying the writer by martial law, but the Governor dissuaded him. He could not afford to make enemies, and it was well known that an eccentric phase in Maori warfare caused men to warn or menace an enemy in such a manner. Some Taranaki militia and volunteers failed to attend parade when called on to accompany the troops, and the General wrote, that to command success he must have 5000 men, exclusive of garrisons, and be empowered to invade the Waikato country before moving southwards to Taranaki. He had little confidence in the militia, and wished the senior officer of the regular troops to take command in all cases of mixed service. Meantime the gallantry of his foes excited the General's admiration. They made vain diversions at the south of Taranaki. At the north, pushing forward in front of Huirangi, which had been Te Rangitake's headquarters in November, the English (23rd Jan.) found their Redoubt No. 3 daringly assaulted. At half-past three a.m. a storming party crept up through

the fern, and in the darkness made a lodgment in the ditch of the redoubt. They had a support in rear, and skirmishers were around. Colonel Leslie (40th Regt.) wrote:

"The plan appeared to be to keep down the fire of our men on the parapets by their support and skirmishers, while the storming party scaled the left face of the redoubt. The force under my command was under arms previous to the attack, and quickly replied to the fire of the enemy, who in the most determined and desperate manner rushed up the sides of the parapet, and in some instances seized hold of the men's bayonets, while others crept round to the rear of the redoubt, and fired through the gabions which had been placed to fill up the entrances to the works, and one of the Royal Engineers was in this manner killed while coming out of his tent. A perfect storm of bullets was poured on us from all sides for a considerable time, and I called for assistance from Colonel Wyatt (65th Regt.), commanding No. 1 Redoubt (at Kairau), for the purpose of dislodging the enemy from our ditch, as I had no hand-grenades."

Two companies of the 65th and one of the 12th arrived. Charged by the new arrivals, the Maoris retired under heavy fire from the parapets and from the guns of the Royal and Naval Artillery. Thirty-four were found dead, and six wounded were left behind. Of the English, twelve were wounded and four killed. The bodies of the chiefs were taken to Taranaki for interment. Many were so mangled by the grenades that they could not be identified. General Pratt wrote: "I trust that the severe losses this manly and high-spirited people are continually receiving will teach them how unavailing are their efforts against Her Majesty's supremacy, and will lead soon to a termination of this unhappy internecine war."

The wild spirits of youthful Ngatihaua, Ngatiraukawa, and other tribes inspired respect, but their elders desired an honourable peace. Tamati Ngapora and Patara discussed its terms with the Assistant Native Secretary on the day on which the English bayonets were grasped by the Maori storming party. Soon afterwards (2nd Feb., 1861) Tamati Ngapora and Aihipene, with other chiefs of the north, conferred at Government House with the Governor, the Attorney-General (Whitaker), the Native Secretary (McLean), the Assistant Native Secretary (Smith), and the Land Claims Commissioner, Mr. Dillon Bell. The burly and good-humoured Aihipene presented the terms proposed. If they were accepted, the chief, Mokena, would be sent at

[illegible] bring back the Waikato from the seat of war. "1st. [illegible] and at Waitara, let it be left aside or set [illegible] afterwards arranged or settled by a court [illegible] Kakanga. 2nd. Do not hold to, or bear in [illegible] the causes of evil, whether as regards men, [illegible] or killing, or property; let these be all unloosened, [illegible]" Browne said such terms were inadmissible. [illegible] said they were the Maori idea. Would the [illegible] state what he wished? English law must be recog- [illegible] compensation must be given for the waste [illegible] and punishment inflicted for the murders at [illegible] Aihipene replied that these must be ques- [illegible] settlement, but the right course was to make peace [illegible] settle differences afterwards. This the Governor [illegible] and the chiefs had nothing else to offer. [illegible] said the chiefs must understand that he did [illegible] the murders at Omata with the conduct of Te [illegible] the Waikato. Aihipene said the Waikato [illegible] about Te Rangitake and the Ngatiawa. [illegible] if the chiefs could bind the Waikato [illegible] They had no authority, and he said it was [illegible] cease from war when they could not [illegible] Tamati Ngapora spoke. The work was [illegible] and Te Rangitake, though others [illegible] put an end to it. The Governor was [illegible] asked what was the use of a short [illegible] war might again break out? Tamati [illegible] Governor's stick on the table, struck the [illegible] Where will the vibration stop? Not at the [illegible] it reached the other end." (Mean- [illegible] that other tribes would sympathize [illegible] The Governor rejoiced that the [illegible] the ocean to England. The chiefs [illegible] The Governor said he was going to con- [illegible] and would gladly consider terms of peace [illegible] from the north. Old Patuone (Waka Nene's [illegible] the insurrection was like an abscess, and [illegible] healed till the core was taken out. As to the [illegible] Hauteruo ti Kopura was the actual [illegible] as he had been killed since, according to [illegible] statement was already made. McLean said

others were accused. Taraia (a Thames chief) asked who were the Governor's friends whom he desired to consult? Tamati Ngapora represented Waikato, Patuone the Ngapuhi, Ngatitoa was represented by Hohepa Tamaihengia, the Thames people by himself. Why not make terms at once? The chiefs approved, and Aihipene said if the Governor agreed that there should be peace, the word would go forth, and the troubles would not spread. The Governor said that the paper which had just been read would give no security for peace. War must be continued till more reasonable proposals reached him. He was answered by Ihaka (Waikato), that points of difference could not be arranged while blood was flowing.

Colonel Browne told the Duke of Newcastle that it was with great regret he was obliged to refuse such an appeal as that made by the Waikato chief, Tamati Ngapora, "whose desire for peace was undoubted." He visited the Bay of Islands and Mongonui, accompanied by Patuone, Ihaka, and Taraia. The Ngapuhi and Rarawa tribes received him loyally. On his return to Auckland he received a letter, from the resident magistrate at the Bay of Plenty, narrating an interview at Tauranga with the king-maker, who urged that Maoris sold their land blindfold for nominal sums. It was then cut up and sold for full value. "Have we not a better right to this advanced price than the Pakeha?" A Pakeha had told him that the Queen would claim all the waste lands as demesne lands of the Crown, and confine the Maoris to their cultivations.

"This statement was confirmed by a Roman Catholic priest. I reasoned with myself: 'This land was given to my ancestors by Providence. We have retained it from generation to generation. Surely, because it is unoccupied now, it is no reason why it should always remain so. I hope the day will yet come when our descendants will not have more than they really require. If I have been correctly informed, even a few years ago there were in England large tracts of unoccupied lands. No other nation on that account attempted to seize them. Why then should they attempt to claim our unoccupied lands?'"

Thence arose opposition to land-sales. The Pakehas would not assist in creating a native council and native magistrates to settle Maori disputes. He visited Auckland, but was not allowed to see the Governor on the subject. "I determined to take at my own risk what my Pakeha friends

denied me!" (Mr. Fenton afterwards did mischief: he widened the breach by setting up assessors without reference to the wishes of the tribes. But the king-maker did not approve of the Waikato war-party.) "I did all in my power to dissuade Wetini from going to Taranaki. Our contention was great. He cursed me, went to Taranaki, and has fallen." The magistrate could obtain no hint from the king-maker as to his future movements. "All his conversation related to the past." With this narrative the Governor sent to England the king-maker's letter (declining to attend a Committee as a witness) which has already been quoted.

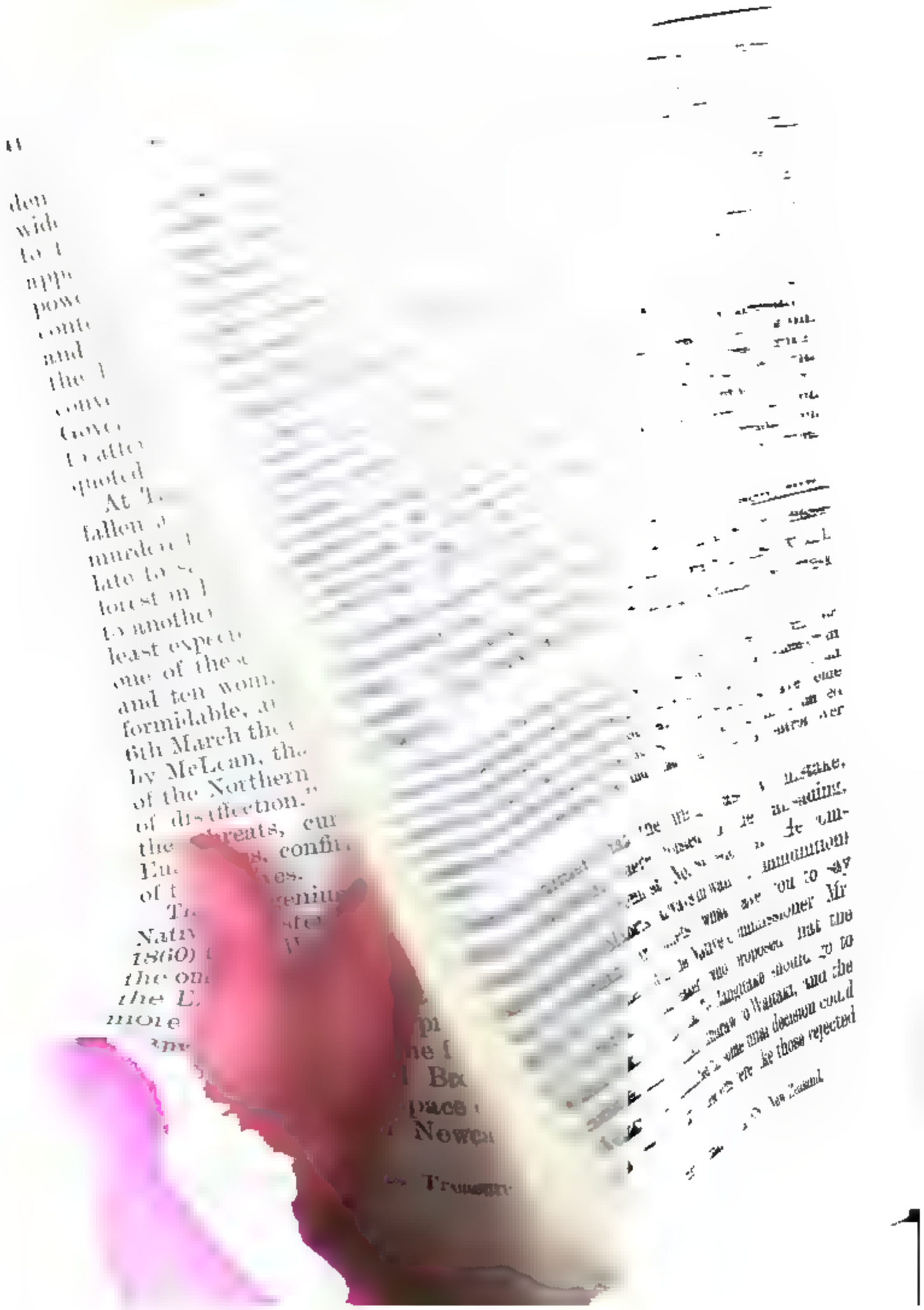
At Taranaki it was reported that Captain W. King had fallen a victim in February. The rebels, it was said, had murdered him. The volunteers who sallied forth were too late to save him. General Pratt pushed the war into the forest in February, only to find that the enemy had retired to another line of defence. From rifle-pits and fern, when least expected, the advancing troops were fired at. After one of these skirmishes, in which two English were killed and ten wounded, General Pratt found the Maori position formidable, and that mortars were indispensable. On the 6th March the Governor transmitted to England a statement by McLean, that "the great mass of the native population of the Northern Island may be considered to be in a state of disaffection." They were unabashed by reverses, and the threats, curses, and opprobrious epithets used by Europeans, confirmed (McLean said) the worst suspicions of the natives.

The evil genius of the time had ceased to hold office as Native Minister.[17] Mr. Richmond had given place (Nov., 1860) to Mr. Weld, who concurred with McLean's remarks—the ominous conclusion of which (5th Feb., 1861) was "that the English settlements in New Zealand are at present in a more dangerous and precarious state than they have been at any period since the foundation of the colony." To such a pass had Colonel Browne, under advice, reduced the colony in the short space of one year. When this statement reached the Duke of Newcastle (13th May, 1861), he briefly

[17] He still held office as Treasurer, and as Commissioner of Customs.

acknowledged it, and appointed Sir George Grey to relieve Governor Browne. Meantime, loyalty among the Maoris was encouraged. Old Waka Nene wrote to the Queen that his love continued firm, and Colonel Browne transmitted the letter with a hope that an answer and a present might be sent to the "excellent chief." On the 26th June, Her Majesty "most graciously" acknowledged the letter, and sent a silver cup to be presented to Waka Nene "as a mark of her friendship," and in recognition of his valuable services.

But after the futile conference between the chiefs and the Governor warfare continued at Taranaki. Ever planning ambuscades in the abundant fern, and ever forced to retire, the Maoris refused to afford the General the comfort of a general action in which rifles, howitzers, and shells were opposed to muskets and fowling-pieces. The Maori forces were entrenched at Te Arei close to the historic Pukerangiora. From block-house to block-house the General advanced from Kairau to Huirangi, and thence towards Te Arei. With help of friendly natives he constructed 1200 yards of sap and three redoubts in a fortnight. At night on more than one occasion, in spite of sentinels, the Maoris removed the sap-roller, until an explosion blew one of them to atoms. The General was astounded at hearing that the money he paid to friendly natives for cutting materials for his gabions and sap-rollers was shared by them with the enemy, who assisted in the work partly to obtain money, but partly because in this way, and by carrying off the sap-rollers at night, the wily Rewi scrutinized European devices. As the sap was pushed through the forest it was found that, to countervail inferiority of weapons, the Maoris skilfully availed themselves of every vantage-ground. Their rifle-pits curved, in front of Te Arei, from the Waitara river to a thick forest on the right of the advancing troops. "They had also dug trenches around their pah, and the whole ridge of hills in front of the advancing force had tiers of pits, one over the other, from which the enemy fired as from so many little batteries. It was most annoying to the British to be able to see nothing of the rebels but their smoke and fire, and yet to be



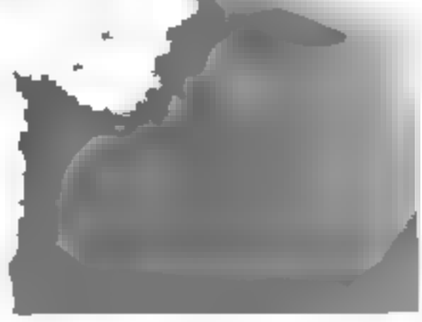
by the Governor at Auckland. Mr. Hay said they were inadmissible. "Then," said the king-maker, "let the troops remain, while you and I go to Auckland; I by land, you by sea. Meet me at Tuakau." He was told that he had better go in the ship himself. "Shall I go and be treated like Rauparaha?" he replied. The General vainly offered a "guarantee for his personal safety." Mr. Hay went to the General at No. 7 redoubt. On his return the chief said: "You are harsh and difficult to deal with. Hear my third offer. Let us remain here in peace. Entreat the Governor to come down here." Other chiefs supported him, and Rangitake was said to acquiesce in the first of the proposals. The General would only consent that the Maoris should retire, and that the English should occupy Pukerangiora, while the king-maker went in a war-steamer to Auckland with Mr. Hay. Again two shots were fired at the Maoris, and again, it was said, they were fired by mistake. The king-maker said he was tired of writing to Mr. Hay. "I will write to the Governor and to my Bishop, that they may be aware of my arrival here, and how much I tried to treat with the General." Another day's truce was granted. Mr. Hay urged the General's terms. The king-maker wrote letters to the Governor, to Sir W. Martin, and to the Bishop, requesting the General to forward them, and desiring that there might be peace until the Governor should reply. The General promised to forward the letters, and said that meantime active operations would be recommenced. The Governor was inclined to go to Taranaki, but after consulting his Council decided otherwise. Mr. Richmond was still treasurer, and the ministry feared that Colonel Browne's nature was too full of the milk of human kindness for their purposes. They sent McLean. They still averred that if Te Rangitake would prove his individual claim to ny portion of the Waitara block it would be returned to m. But as they resisted Bishop Selwyn's importunity t the case should be submitted to a law-court, their ment was idle. They feared that no judicial tribunal refuse to recognize those tribal rights which they ed to destroy.

portant change in the over-lordship of the Waitara meantime been effected. In general tribal meet-

ings, as amongst ancient Teutons, resolutions of great moment were passed in emergencies. In conference between the Ngatiawa and Waikato, Te Waharoa had said the cause of quarrel was Rangitake's. The chief of Waitara said, "No, it is yours." "Look at a man," said the king-maker; "his head is head; his hands, hands; and his legs, legs. You are the head; Waikato is only the legs." "No, you are the head." "No; you." "Very well," retorted Te Rangitake, "I am the head; Waitara is mine; the quarrel is mine. There! I give Waitara to you." He disclaimed further voice in the disposal of the land. The Ngatiawa fighting general Hapurona, Epiha and Rewi as leaders of the Waikato and Ngatimaniapoto allies, publicly assented, and the king-maker, accepting the gift, declared his award. "Waikato! back to Waikato. Ngatiawa! away to Mataitawa. Ngatiruanui! return to your homes. Let the soldiers return to Taranaki. As for the Waitara, leave it for the law to protect." Thus empowered by the Maoris, the king-maker proposed his terms to Mr. Hay, and requested that there might be no more fighting. The General meanwhile knew nothing of the tribal resolution. On the Friday the Maori white flag still flew under the king-maker's order. The English recommenced to dig in the sap, and were unmolested. The Maori pah was fired at, and the king-maker then said to the fighting chiefs: "Now do as you list." The war-flag was hoisted, and for three days firing was kept up; the king-maker himself abstaining from fighting. The Maoris alleged that only one of them was wounded during this period; but the English believed that their mortars did much execution in the rifle-pits. The English lost a lieutenant of artillery. He was in the act of laying a cohorn mortar at the head of the sap when, from a precipice, a Maori marksman fired, and a bullet glancing from McNaughten's hand, entered his heart. On Monday McLean arrived, and wrote that he had been sent by the Governor, and would see Te Waharoa as soon as a flag of truce was hoisted. The firing was continued nevertheless, two soldiers being killed and four wounded. On Tuesday Maori flags of truce were hoisted, and the king-maker appointed Te Waionaha as the place of meeting, whither McLean went, accompanied by English and Maori friends.

A hundred of the enemy welcomed him. The proposals made to General Pratt were renewed. McLean (ignorant as the General of the tribal meeting) spoke at great length. He offered safe-conduct to Te Waharoa if he would, with others, return to Auckland to draw up a full statement of all differences. The king-maker said the proposal was fair, but that his followers could not forget that Pomare and Rauparaha had been foully seized. But they would not object to meet near Auckland. Epiha, the Waikato chief, asked for information as to reference to the Secretary of State, and McLean expatiated on European modes of arbitration. The conference was resultless. M'Lean wished for further interviews. The king-maker "neither objected nor assented. He would sit still for a month or two to afford the Governor an opportunity of making peace. If it was not used, he would be prepared for further action." What the king-maker's thoughts were can only be guessed. He asked M'Lean to be friendly to the Ngatiawa, and at his request the Maori chief who had accompanied McLean from Auckland visited the Maori encampment, where discussion continued in the night. At half-past six on Wednesday morning, with all the Waikato warriors, the king-maker left Waitara, firing shots, as was the custom, as a tribute to the dead; and McLean regretted that he had "no further interview with this intelligent chief." On Thursday the 21st he met 300 Ngatiawa, and conversed with Te Rangitake and Hapurona. It was agreed that hostilities should cease; that McLean should ask the Governor to visit Taranaki; that the Maoris should keep the white flag flying on their fortifications, and have access to their cultivations, peach-groves, and graves. Te Rangitake hoped that the Governor would not be hard upon the Taranaki and Ngatiruanui tribes. McLean (aided by General Pratt) thought peace could now be honourably made.

The Governor, having arrived upon the scene, went to the General's camp, accompanied by the Att[illegible] by Mr. Weld the Native Minister, by Wah[illegible] Ngapora, and others. For three d[illegible] On the 30th March several chi[illegible] pah, three miles from the Englis[illegible] out these days Te Rangitake's m[illegible]



vegetables and fruit to the English soldiers. On the 2nd April the chief sent word that he was content with the terms suggested. If the Governor would first visit him, he would then visit the General's headquarters. The Governor declined to pay the first visit. He went to the camp of the 65th Regt., within a mile of Rangitake's temporary encampment, and was visited by Hapurona and others. On the 3rd he proposed written terms. By the first he virtually abandoned the whole contention under which he had waged war with Sir W. Martin in words, and with the Maoris in arms. He admitted that further examination of the title at Waitara was necessary. 1. The investigation of the title to and the survey of the land at Waitara to be continued and completed without interruption. 2. Every man to be permitted to state his claims without interference, and my decision, or the decision of such persons as I shall appoint, to be conclusive. 3. All the land in possession of her Majesty's forces, belonging to those who have borne arms against Her Majesty to be disposed of by me as I think fit. 4. All arms belonging to the Government to be returned. 5. All plunder taken from settlers to be restored. 6. The Ngatiawa who have borne arms against the Government must submit to the Queen, and not resort to force for the redress of grievances, real or imaginary. The Governor announced that he would divide the land, which he meant to dispose of amongst its former owners, reserving sites of block-houses and redoubts, and the right of making roads. He had not used force, he said, to acquire land, but vindicate the law. Mr. Weld, in a pamphlet published in 1869, urged that Te Rangitake was thus put in a position to receive back "any portion of the Waitara block to which he could prove a claim;" but it will be observed that from first to last the government refused to recognize any rights of chieftainship in Rangitake, and that the claim Mr. Weld was willing to recognize was the individual usufructuary right. Of the well-known tribal rights, and of the veto of the Ariki declared by Mr. Maning to be paramount, the government took no heed. Hapurona visited the English camp, but Te Rangitake sent word that he had had "ominous dreams," and stayed away. Hapurona required time to consider the terms. After a few days, during which Rangitake wrot

the Governor, but did not visit him, Hapurona acceded to the terms; and Browne, on the 7th April, gave Rangitake a short time to consider, adding, "If not settled in these days I have nothing more to say to you." Rangitake retired from the scene with Rewi, the Ngatimaniapoto chief, and wrote to the Governor on the 8th April, telling him not to be grieved at his going to Waikato. He was going to hear the words of the tribes who had suffered for him. "Yes, I have consented to the peace. I sent my daughter to see you, but she did not see you.[19] That settles the arrangement of the cessation of firing between the soldiers and the Maoris. Let the arrangement of what has to be said regarding Waitara be done there. No more. At Mangere we shall see each other."

To such a lame conclusion had the war been brought. The Governor told the Secretary of State that "although no investigation has taken place it is certain that little or none of the land occupied by the troops which I propose to dispose of belongs to Te Rangitake." When he returned to Auckland he heard that the claims of the Waitara chief had been surrendered to the king-maker. He also found the authority of Sir W. Martin quoted to the effect that the quarrel "had been a land quarrel." To disprove such an assertion, he ordered that Mr. Bell (if he would accept the office) with three chiefs, one selected by Ngatiawa chiefs, should divide the land held by the troops, and that grants should be issued to each separate Maori owner "before any purchase is made on behalf of Her Majesty." By this means, he said, he hoped "to break up the influence of the land-league which was the real strength of the insurrection." He reported the terms of submission at Waitara to the Secretary of State on the 7th April. On the 13th he demanded 5000 soldiers "besides all garrisons" in order

[19] Mr [illegible] "Rangitake sent his daughter to make [illegible] nce of the terms of submission proposed [illegible] as the recept [illegible] Rangitake's daughter [illegible] have conch [illegible] ing terms to [illegible] unposal [illegible] her. Ungallant [illegible] was necess [illegible] to return [illegible] M [illegible] by those who [illegible] been [illegible] was notic [illegible]

"to make a successful attack upon the Waikato tribes and their allies in their own country. . . ." On the 1st May he wrote, with strange forgetfulness of his contemplated "attack:" "Should we be unhappily forced to resume active operations the consequences will fall heavily and deservedly on the tribes who have rebelled against Her Majesty with the avowed object of declaring themselves independent of a rule which has never been exerted except for their good." (On the 12th April) he had required entire submission of the Taranaki and Ngatiruanui, restoration of plunder, or compensation, free passage, and protection for all persons. The murderers would be prosecuted when captured. Mr. McLean reported (1st May) that the Taranaki natives, by a deputy, had agreed to the terms, but the Ngatiruanui had kept aloof and must be further chastised.

Early in May Sir W. Martin made an attempt to prevent the ills he foreboded if the government should act violently against the king movement, which in its inception they had favoured when they sent Mr. Fenton to Waikato, and corresponded with Tamati Ngapora. He sent a minute to the Assistant Native Secretary. A display of, or resort to, force would rouse determined resistance. He argued that the so-called king movement was one which the "government should rather welcome as a god-send than attempt to crush as an enemy." Through it institutions adapted to Maori needs might be established. The king-maker had lately exemplified what the movement meant. He stuck in the ground two sticks. "One," he said, "is the Maori king; the other the Governor." He placed a third stick resting on them horizontally. "This," he said, "is the law of God and the Queen." Then he traced on the ground a circle enclosing the two sticks. "That circle is the Queen, the fence to protect all."

Sir W. Martin agreed with the Select Committee that to meet the movement with force was unwise, and that the government ought to guide it. The Assistant Native Secretary was not wise enough to support Sir W. Martin, and the Governor and his ministers were now too deep in blood to retire. One hundred and seventy chiefs of Napier sent a petition to the Queen to deny that the Maori

fighting against her authority. "Mother, do not listen to the false reports which perhaps are sent to you. They are false. Know then, that the quarrel relates to the land only. We think it desirable that you should appoint a judge for this quarrel, that it may be put an end to." Mr. Weld[20] disparaged the petition, and the Governor forwarded it without comment. The Duke of Newcastle directed that the chiefs should be informed that the memorial had been laid before the Queen. On the 4th March the Governor notified that he did not wish to deprive Maoris of their lands, and that he would maintain the treaty of Waitangi. On the 1st May, 1861, he told the Secretary of State that he was anxious to disabuse the natives of the erroneous idea suggested by Sir W. Martin and others "that the present is a land quarrel." In Sept., 1859, he had urged that if such a man as Sir W. Martin were on a council of advice in Maori affairs things would go well. Yet he had qualms of conscience. On the 5th May he asked the advice of the Judges of the Supreme Court as to the establishment of a court to dispose of questions relating to land over which Maori title was unextinguished. Could the Supreme Court undertake the duty? If not, how could an efficient court be constituted? The Judges replied that the Supreme Court was not well adapted *generally* for such a purpose, though sufficient to deal with incidental cases. A court might be constituted by formation of a land jury, selected by lot or otherwise from members of various tribes in previously-defined districts, nominated by such tribes to act in such capacity, to be presided over by a European (not being an agent for the Crown for the purchase of land) conversant with the Maori language, and assisted if necessary by a native assessor with merely ministerial duties. Every word of the recommenda[illegible] censure on the course adopted by the Governo[illegible]ra. In every aspect Mr. Parris' [illegible]ngs were [illegible]utly opposite to [illegible]udges. [illegible]nistry carefully

[illegible] that of K[illegible] Takamoana, who [illegible] the Maor[illegible] tribal district in [illegible] names [illegible] that Mr. Weld

prevented inquiry (by such a court as that suggested) at the Waitara.

On the 10th January the War Department informed the Colonial Office that General Cameron had been appointed to command in New Zealand. In a military despatch (3rd May, 1861) the Governor wrote that he had conversed with Tamati Ngapora, and found him altogether peaceable. Nevertheless he must extract terms from the Waikato tribes. He would allow them reasonable time to deliberate, and "if the answers are not satisfactory I shall send them specific terms, and if they are not accepted shall leave the General to adopt such measures as he may think proper." As a pupil of Whitaker and Richmond, the Governor had made much progress since the days when he wrote that the Europeans coveted to seize, rightly or wrongly, the heritage of the Maoris, and when he contradicted the assertion of Richmond that the Maoris needed no protection against the designs of colonial ministries and parliaments. He sent a long despatch (7th May, 1861), which was not presented to the Assembly with others of the period, and which bore internal evidence that it was prompted if not written under control. It was grounded upon correspondence between Bishop Selwyn and Mr. Stafford. When, with regard to the Native Offenders Bill, the Bishop and clergy protested against subjecting Maoris to penalties or disabilities, "without being brought to answer by due process of law," Mr. Stafford replied that the Government recognized "to the fullest extent all lawful rights of the chief and tribe which have been recognized by former Governments or have ever been understood to exist." The Bishop at once entreated that the Ngatiawa tribal rights at the Waitara might be made the "subject of a judicial inquiry." Stafford equivocated. Rebellion must be punished. Te Rangitake and those "confederated with him *to resist the extension of European settlement in Taranaki*, cannot be permitted to dispossess the government by force of arms of land to which the native settlers have apparently shown a complete title." Stafford perhaps thought such a reply capable of deceiving a Secretary of State, but could not have believed that Teira had shown a title to the homesteads and cultivated grounds of his tribe-fellows. In 1861

the Bishop resumed the discussion. Peace having been attained, a judicial inquiry might be held. Mr. Stafford (3rd May) replied that the government hoped to establish a Native Land Title Tribunal, but that with respect to the Waitara the Governor had "already made arrangements . . . and there was every reason to believe that they will be successful if only they are not interfered with." He denied the right of the clergy or Bishop to "interfere between Her Majesty's government and her native subjects." The Bishop replied (5th May) that he and his brethren claimed the privilege, allowed by law to every man, of "laying petitions before the Crown and Legislature." When others express opinions and support a "policy which we believe to be unjust, we should be guilty of betraying the native race, who resigned their independence upon our advice, if we did not claim for them all the rights and privileges of British subjects, as guaranteed to them by the treaty of Waitangi." The Bishop regretted that as the government deemed it "unwise and dangerous to delay the settlement" of the Waitara question until a Title Tribunal could be created, the government had not foreseen such difficulties before war was declared at Taranaki "upon an unproved assumption." Mr. Stafford did not believe that war was thus made. "I advised the Governor on the matter in question, and . . . I will continue to give that advice which it is my duty to afford." He idly asserted that the Governor and his advisers intended to uphold the treaty of Waitangi. When the Governor sent the correspondence to England he was so fatuous as to urge that the Bishop seemed to "ignore the guarantees in the treaty of Waitangi, which have been frequently repeated publicly and privately, and more particularly in my speech to the natives assembled at the last conference." His advisers had degraded him to their own level. They violated the treaty in act, while paying lip-homage to it with their mouths. Which of them prompted the subtle equivocations of the Governor's despatch of 7th May cannot be told. They seem like echoes of Whitaker, but may have been the result of consultations. The Governor was made to say that it would be

"unjust as well as extremely unwise either to defer the final settl

of any proprietary claims which may exist upon the block sold by Teira and his friends, or to submit them after what has occurred to any investigation except that of the officers of the Crown, and it would be acting still more unjustly to Teira and all the natives who have remained loyal to the Queen during the insurrection, if I allowed the questions again raised by the Bishop as to their right to sell their own land,[21] and as to the authority and jurisdiction of the Crown, to be now made the subject of an *ex post facto* inquiry."

Te Rangitake or any other Maori might put forward proprietary claims to special portions of the block; but any right to veto; any Maori tribal right (though guaranteed by treaty) it was "impossible" to entertain. Though the Governor thus lent himself to Mr. Richmond's eagerness to "accelerate the extinction of the native title,"[22] he declared that there was no reason to apprehend injustice. He was carefully considering the constitution of a Commission "to divide the land occupied by the troops among the former owners, in accordance with the terms of peace." These lands adjoined the Waitara block, and "no question of ownership raised in one case" would fail to "come out in the other." He was satisfied there would be no "serious difficulty in ascertaining the rightful owners." He was consulting the Judges as to forming an impartial tribunal for native titles generally;

"But I cannot permit the special question, out of which an insurrection has unhappily occurred, to be raised once more *at the Waitara*. The Bishop desires that these very questions shall still be submitted to a judicial inquiry; which really means that Te Rangitake, who has not accepted the terms of peace, shall be permitted to set them aside and place once more before the Ngatiawa tribes, under European advice, the temptation to renew vague and unsubstantial claims which have already caused the sacrifice of so many lives. . . . I can hardly conceive an act of greater cruelty and weakness than that of throwing away all that has been gained by substituting for the peaceful determination of those proprietary rights a 'judicial inquiry' into pretensions which were disposed of by Governor Fitzroy in 1844, have been resisted since by every Government, and have at length been abandoned by the insurgents themselves."

On this statement it will suffice to remark that the natives were satisfied with Fitzroy's award, that the Taranaki settlers had always conspired against it with more or less

[21] Till one sees such words recorded it is difficult to believe either that the Governor could have remained in such utter ignorance of tribal rights, or that the ministry who were conscious of them could instigate the writing of such a despatch.

[22] Speech of Mr. Richmond, 18th May, 1858.

success, that neither Te Rangitake nor his friends had abandoned their claims under it, and that it was not until Colonel Browne conspired with the Taranaki settlers and his advisers to defeat Fitzroy's award that resistance occurred, when troops were sent to dispossess Te Rangitake. The "guarantees in the treaty of Waitangi," which the Governor told the Secretary of State (25th May, 1861) he had "frequently repeated publicly and privately," were, as regarded Waitara, deliberately violated. A board, appointed by himself, had unanimously informed him that there was no such thing as individual right to land, independent of the tribal right. All tribal rights were guaranteed by the treaty. All that was asked by Te Rangitake's friends was that the tribal and other claims at the Waitara should be remitted to "a judicial inquiry." Yet, driven by his wily and perverse advisers, Governor Browne declared that he could not permit the special questions at the Waitara to be so remitted. There were no individual rights,[28] and the Governor would recognize none but individual rights, and he would submit no question about the Waitara block to investigation by any one but an "officer of the Crown." His advisers were wise in not producing such a despatch when it was written. They did, however, produce the pre-arranged restrictions, which precluded Judge Johnston from making the inquiry at the Waitara a reality.

Judge Johnston was asked to become a Commissioner to determine differences among native claimants, on the understanding that "any question as to the title of the Ngatiawa tribe collectively would not be within his jurisdiction." Judge Johnston's acceptance of the task of determining Maori titles "excluding all claims founded upon any general tribal right," afforded a clue to his opinion as to the significance of thus debarring an inquirer from considering the essence of the subject of inquiry. "If the necessity of the appointment involved the [illegible]ssity for my expressing, even by implicat[illegible] indec[illegible]ing to a definite opinion as to the po[illegible] Exec[illegible] [illegible]specting th[illegible], or the propriety [illegible] of p[illegible] of the pr[illegible] of ex-

[28] Donal[illegible] [illegible] in 1856 [illegible] not [illegible] to lan[illegible] [illegible]ern

The reader, who remembers Mr. Richmond's "Memorandum," which was sent to Sir W. Denison, will not doubt that Judge Johnston's functions were circumscribed because the ministry knew their position to be untenable. In 1860 Mr. Richmond said: "The issue has been carefully chosen —the particular question being as favourable a one of its class as could have been selected." In 1861 it was found necessary, in order to screen "the particular question" from the eye of the law, to exclude from an inquiry as to Maori ownership those tribal rights on which all Maori ownership depended.

The time was approaching when the Governor, so unworthily imposed upon, was to show that though deluded he was not intentionally dishonest. The path into which he was beguiled he would frankly follow. He had been told that Te Rangitake had no tribal rights and only wished to destroy the Queen's supremacy, and that even if the chief had any rights the Governor's duty was to despise them and make war for the "mana" of the Queen, and he had done so. He determined to prosecute it. On the day (25th May, 1861) on which he complained to the Secretary of State that Bishop Selwyn appeared "to ignore the guarantees in the treaty of Waitangi, frequently repeated publicly and privately" by the Governor, Colonel Browne committed his views to paper. He would first establish the Queen's supremacy. Afterwards he would find out the Maori views at a native conference, and be guided by them as far as possible. Civilization was unattainable until their "communal title" could be destroyed. He would give salaries to native chiefs, who should be organs of communication with the government; divide native territory into districts, with a European officer in each; establish schools; pass an Act enabling the Crown to issue grants in commutation of native tenure; and "make bush roads through the heart of the native districts." He would establish a tribunal, to decide land disputes, as suggested by the Judges. In addition to the terms offered at Taranaki, conditions were held out to the Waikato. A manifesto to the Waikato tribes was issued. It charged the Maoris with violating the treaty of Waitangi by setting up a king; required unconditional submission, restitution of all plunder, and compensation for all

losses. Mr. Smith, the Assistant Native Secretary, explained it for three hours to Paimati Ngapora, in order that the interpreter might expound it to a runanga about to be held at Ngaruawahia. Though Ngapora undertook to submit the manifesto to the chiefs it was plain that he had no hope of a favourable reception for it. Even as it stood it had been modified in deference to McLean's objections. This was on the 25th May. On the 29th the Governor received a letter from a Waiarapa chief (Wellington province), stating that some of the chiefs, loyal at Kohimarama, were departing from their word and joining the king movement.

On the 1st June the government heard that Te Rangitake was making an armed progress in Waikato, at the head of more than 400 men, on his way to Ngaruawahia, where great preparations were made for his reception. The chiefs, it was said, had resolved "rather to die as chiefs than live as slaves." On the 4th June the Governor delivered his speech to the first session of the third parliament of New Zealand. "There was something grotesque" in the phrase that "having imposed terms" at "Waitara"—he "had directed that the investigation be renewed at the point at which it was rudely interrupted." Recent discoveries of gold were referred to as important. Both Houses echoed the speech. Ominous reports were made in July that the natives were collecting gunpowder. Browne wrote: "I am informed that Maori women purchase powder in Auckland or its neighbourhood, and carry it away on their backs concealed in blankets." McLean believed that American whaling vessels largely supplied it on the coast. Notice was given of a motion for inquiry into the state of the colony. Stafford and his colleagues met it by proposing resolutions binding the House to the Governor's manifesto to the Waikato. With an amendment, carried by a friendly member who considered the war an Imperial one, the House [illegible] the resolutions (19th June). Mr. Weld, in the [illegible] speaking to the king-maker, "did not speak without [illegible] speak for him, for possibly he was right, even from [illegible] point of view, but if we were carried away by any [illegible] sentiment for unconditions it would really entail [illegible] the native race, and the ruin also of the colony

for many years."[25] But all colonists were not blind followers of the ministry, and some did not desire war without more men from England. A deputation of representatives of the province of Wellington in the Assembly (Mr. Fox, Dr. Featherston, Mr. Fitzherbert, and three others) waited upon the Governor to warn him that distrust was spreading, that the Maoris were becoming convinced that he was determined to attack them separately in detail, and that many who had held aloof from the Taranaki dispute as a personal matter between Te Rangitake and the Governor, would now, if war were undertaken (as they heard was probable) against the Waikatos, feel compelled to make common cause with their countrymen; and that the forces in New Zealand were inadequate to protect the colonists against a general insurrection. Governor Browne thought it likely that the invasion of the Waikato country would cause a general rising, but he would carry out his resolution, and "insist upon the terms he had proposed to the Waikatos." Settlers must suffer, but must, as at Taranaki, build and defend block-houses. War was not made with rose-water. Auckland from its position was most exposed, but Colonel Browne did not believe that for some time there "had been imminent danger even there." Having pleaded in vain for Wellington, Wanganui, and Wairarapa, the members foreboded from the Governor's demeanour the destruction of the fruits of 20 years of colonization. They presented a report of their interview on the 20th June. It does not appear that the ministry objected to this procedure. The paper appears as "laid on the table by Mr. Fox, and ordered to be printed." The recognized leader of the Opposition gave notice of a motion of want of confidence, and the Governor understood that if there should be a change of ministry, the new men would not hold themselves bound by the manifesto to the Waikato tribes. He thereupon communicated with the House (25th June) "independently of his advisers." He reminded it of its resolutions of the 19th inst.: "1. That the establishment within these islands of a sovereign authority, independent of the British crown, is incompatible with the security of the colonists,

[25] N.Z. "Hansard," 1861, p. 67.

the civilization of the natives, and the welfare of both races. 2. That if, unhappily, negotiations should fail, this House, relying on the best practicable provision being made for the protection of life and property, is of opinion that it is the duty of the colony to second the measures taken by the Imperial government for the assertion of Her Majesty's sovereignty, and securing a lasting peace." Colonel Browne wanted a clear definition of the colonial assistance thus offered. His advisers enabled him to tell the Secretary of State that they agreed with the course he took. Some members objected that the Governor could not constitutionally address the House except under advice; but an address was adopted, pledging the House to "assent to organization and maintenance of militia to defend the several settlements, and to approve of the acceptance by the Colonial government of advances from the commissariat chest for defraying the requisite expenditure on the conditions prescribed by the Secretary of State (Jan., 1861), viz.—'that all such advances will be repaid from colonial funds, so far as the Imperial government shall require repayment.'" These conditions had been imposed in consequence of the loose manner in which Colonel Browne had left the question of repayments for future "adjustment between the mother country and the colony," when he was inveigled into the Taranaki war. The Assistant Commissary-General had pointed out that advances for militia purposes, such as the Governor required, were at variance with War Office Regulations; and after correspondence the Governor obtained the money, but postponed the question of repayment. Now, when a larger war was being prepared, in need of funds, but undismayed by danger, and ravenous for Maori lands, the pledge (qualified in their address "to the extent of the limited resources of the colony") required by the Secretary of State was given by the representatives, who, in their turn, reminded the Governor that it would be more costly to provide a militia than to obtain more soldiers. At the time when this matter was considered in the House, General Cameron was representing that the militia force was inadequately available. It could only be called out for service within limited districts. He knew of no other country with such narrow limitations

as a circle of 15 miles radius. He had wished to inspect the force. Obtaining no satisfaction, after repeated requests, and finding that the policy of the ministry was to make a quarrel and leave the soldiery to fight it out, he urged, on the 1st July, that he must fully inform the authorities in England. "It was his duty to direct their attention to the fact that at this critical juncture, when every settlement in this island is threatened with attack, the militia has not been called out at any of them except at Taranaki, where, according to Major Herbert's report, not more than 100 militiamen can be considered fit for duty." He had commenced preparations for attacking the Waikato when instructed to do so. Such an expedition should not be undertaken with much less than 3000 men, and he wished to know whether, in case of hostilities, garrison duties could be performed by militia, as barely 2500 troops were available for field service. Mr. Stafford furnished in reply a vague memorandum of a kind with which he had for many weeks set aside the Governor's importunity.[26] It was lengthy, and evaded a reply to the General's requests.

The Governor, in the midst of these troubles, wrote (July, 1861) that Maoris believed that the Queen was not unfriendly to them. The pernicious suggestion that there was any variance between his and the Queen's intentions did (in his opinion) infinite mischief. Even Sir W. Martin had said that "a temporary estrangement from the Colonial government would be followed by a strong and abiding attachment to the government of England." To crush these hopes, Browne requested that a Royal Proclamation of the Queen's will might be sent by the earliest opportunity to undeceive the Maoris. With strange obliquity, while averring that the Taranaki quarrel did not relate to land, he suggested that it should be announced, in Her Majesty's name, that confiscation of land should be held *in terrorem* against all who might take up arms against the Queen. The situation was deemed so critical that both Houses sat in secret committee, and resolved (5th July) that more troops were necessary—that there was no doubt that a large majority of the natives in the North Island were adherents of the

[26] Governor Browne. "From the 22nd March, I have constantly urged the subject verbally" (July, 1861). P. P. 1862; vol xxxvii. p. 66.

native king, and that authentic information proved that in the event of offensive operations against the Waikatos, they would act on the defensive, while attacks would be made in force elsewhere by their allies. Troops must be obtained. Effectually to put down the rebellion would be the course most humane, most beneficial, to the Maoris, and the cheapest for the Imperial Government.[27] (On the 5th July, also, the House of Representatives carried, by a majority of one, a vote of want of confidence in the ministry.) On the following day the Governor procured the concurrence of his Executive Council with the views of the committee, General Cameron limiting his assent to the propounded military necessity. The Governor wrote a long despatch (6th July), requiring force enough to "subdue the Maoris—once and for all."[28] With it he transmitted the reply of the king-maker, Te Waharoa, to the Governor's manifesto to Waikato.

The Maori runanga replied briefly. The chiefs (7th June) deprecated strife. Let the Governor

"Be slow to wrath, swift to hear. . . . We are not going to rise up to fight. . . . Let our warfare be of the lips alone. If such be the course it will be a long path; our days will be many while engaged in such warfare. Let it not be converted into a battle fought with hands. That is a bad road—a short one;—our days will not be many while engaged with the edge of the sword. . . . Let us not be committed to the short path; let us take a circuitous one; though circuitous its windings are upon firm land. There were proverbs—Not by the straight path, or meagre fare for the traveller. Let us take the winding course, or abundance, the portion of the stayer at home. It is for you to interpret these proverbs. There are more to come."

The king-maker wrote separately. Commencing with dark hints and rhythmic strains, he said:—

"My song refers to those who are double-hearted, whose lips are given to this side and their heart to the other side." Why was there invidious distinction between the races? "I thought that the currents of every river flowed into the mouth of 'Te Parata' (the unfathomable profound of

[27] These secret resolutions were printed by order of the House of Commons. P. P. 1862; vol. xxxvii. p. 76.

[28] In acknowledging (to the new Governor, Sir G. Grey) a despatch from Colonel Browne, enclosing an opinion from Sir W. Martin at this period—the Duke of Newcastle deprecated "allowing a sanguinary war to spring up," and hoped "with Sir W. Martin, that just and effective government by giving the natives what they are blindly feeling after, would eventually throw the king movement into the shade" (22nd Sept., 1861).

ocean), where no distinction is made, nor is it said 'You are salt water, and that is fresh water—remain you away—from a preference for the salt water only.' In like manner, as the currents from the various islands flow into the mouth of Te Parata, so also all the kingdoms of the different nations rest upon God, as the waters rest upon the mouth of Te Parata. When this work is arrived at we are rebuked. Now, when I worship God I am not rebuked. This great name of God which is spoken of to me, why is this free to me, while of the name of king I am told, 'It is sacred, mention it not'? Let the Pakeha look to Deuteronomy, chap. xvii. verse 15. Was not the Queen English, Nicholas Russian, Buonaparte French, Pomare Tahitian, each from his own people?" With unhappy logic he asked: "How was it that the Americans were permitted to separate themselves? Why are they not brought under the protecting shadow of the Queen?—for that people are of the same race as the English. Whereas I, of this island, am of a different race, not nearly connected. 'My only bond with you is in Christ'" (Ephes. ii. 13). If all countries were united the standing aloof by the Maori might be blameable; but they were not. "Friends, do not be offended. Let me make known my thoughts on the great matter which has furnished a cause of dispute." The treaty of Waitangi did not justify the anger of the Pakeha. One chief could deal with his own, but not with the things of another chief. The great boon of Christianity was accepted gladly by Maoris. "I say, O friends, that the things of God are for us all. God did not make night and day for you only. No; summer and winter are for all; the rain and the wind, food and life, are for us all. Were these things indeed made for you only? I had supposed they were for all. If some were dogs and others were men it might be right to be angry with the dogs, and wrong to be angry with the men. My friends, do you grudge us a king, as if it were a name greater than that of God? If it were so that God forbade us, then we would give it up; but He forbids not, and while only our fellow-men are angry we will not relinquish it." He denounced the haste with which Colonel Browne plunged into war at Taranaki. He gave no warning. He had not said to the Maoris, "Friends, I intend to fight at Taranaki. . . ." The wrong-doer, who became unjustly angry, was the Pakeha. Te Rangitake, who was wronged, had done no evil. Why was not the case submitted to judgment? Why was the evidence of one man taken, when the Governor might have called the neighbours together to learn the truth? "Friends, wherein is our friend the Governor right, whom you believe in? Te Rangitake, the man of calm thought, is misjudged by you; and the Governor who hasted to anger is supported and praised. Hence are my thoughts perplexed, for James said, 'Be slow to wrath, swift to hear.' As it is, the precept in Proverbs, chap. xvi. verse 32, has not been carried out." Had Te Waharoa been angry there would have been some excuse, but the wise Pakeha should not become passionate like a child. Te Rangitake having been invited by Te Whero Whero to return to Waitara, it was just that the Waikato should sympathize with the assaulted chief when he called to Waikato for help. . . . As to the charge of murdering; look at the death of Katatore. "He was waylaid and died by Ihaia. That was a foul murder. You looked on and made friends with Ihaia. That which we regard as a murder you set at nought; and you call that a murder which we deny to be one." The Governor had not warned his own unarmed people to remove out of the way when he declared war. He should have done so. "Had he even said to the Ngatiruanui,—Friends, do not kill the settlers, it would to some extent have been a little clearer. Enough on the subject of the murders."

Restitution of property was demanded by the Governor. But Rangitake's "pah was burnt with fire; the place of worship was burnt; and a box containing Testaments,—all was consumed; goods, clothes—all were consumed. The cattle were eaten by the soldiers; and the horses 100 in number, were sold by auction by the soldiers. It was this that disquieted the heart of Te Rangitake—his church being burnt with fire. Had the Governor given word not to burn his church, and to leave his goods and animals alone, he would have thought also to spare the property of the Pakeha. This was the cause. . . . The Governor first commenced the road, and Te Rangitake merely followed upon it." . . . From your loving friend Wi Tamihana Te Waharoa.

With the decision of the runanga the king-maker sent a letter explaining that he had set up Potatau, in 1857, to put an end to land feuds, "to put down troubles, to hold the land of the slave, and to judge the offences of the chiefs. I do not desire to cast the Queen from this island, but from my own land. I am the person to overlook it. Enough." He called to mind that he was converted to Christianity at the Rotorua war in 1836, and had ever afterwards laboured with the missionaries for peace, and to stay the river of blood which war made to flow in the land.

The Governor was unconvinced. He told the Secretary of State that he must have more troops to subdue the Maoris at once, or the Northern part of the colony must be abandoned to "Maori law, of which the aptest symbol is the tomahawk."

The Governor's language perhaps caused the downfall of the Stafford ministry. On the same day (3rd July) that the House agreed to the repayment of Imperial advances for militia purposes, Mr. Fox moved a direct vote of want of confidence in the ministry. After more than one adjournment the motion was carried by 24 votes against 23. It was remarked that Otago and Wellington furnished strength to the majority. It was not, however, by reason of their policy on native affairs alone that the ministry had fallen. On provincial questions there had always been discontent. The new ministry contained many well-known names. Mr. Fox as Attorney-General; Dr. Featherston, Colonial Secretary; Mr. Reader Wood, Treasurer, and Mr. Mantell, Native Minister, became the Governor's advisers. The part taken by Fox and Featherston in discussing the Taranaki war, obtained for the new ministers the name of the "peace-at-any-price" ministry.

They took office on the 12th July, and Dr. Featherston quitted them on the 2nd August. Their predecessors were resolved that the treatment of Maori interests should undergo no change. It was moved by Mr. Dillon Bell that the Governor's "memorandum on native affairs be translated into Maori, and sent to the principal chiefs in the island." The Fox ministry would have contended in vain against the motion, and it was adopted. Thus the men who had opposed injustice at Taranaki were chained to the car of the new war which the Governor had determined upon at Waikato. The Governor, with pardonable exultation, told the Secretary of State that his views in reference to war . . . "and to the future management of the native race," had "been accepted and approved by all parties in the House." Mr. Richmond meanwhile was not content with the negative triumph deducible from the Governor's proceedings. He aimed at actual control. On the 1st Aug. he moved a direct vote of want of confidence. On a division he obtained 25 votes against 26, two additional voters having arrived (one being from Taranaki—Mr. H. A. Atkinson). But the new ministry had also acquired two votes, one from Wanganui and one from Lyttelton. Mr. Fox, as Colonial Secretary, strengthened his ministry on the 2nd Aug. by the accession of Mr. Sewell (Attorney-General) and Mr. Crosbie Ward. Although Sewell had been Richmond's colleague with Stafford, Richmond was still unsatisfied. On the 8th Aug. he furnished what the Governor called (9th Aug.) a "valuable memorandum" on the king movement. It denied that any terms could be found for peaceful dealings with the Maori king's followers. But resolute as he was to support a warlike course he was equally determined to deny that he was responsible for the Waitara quarrel. Dr. Featherston moved (14th June) for certain correspondence between Bishop Selwyn and Mr. Parris.[29] In debate he alluded to the sinister influence exercised by Mr. Richmond over the government in relation to the Waitara. A petition from Mr. Abraham, a barrister, confirmed his suspicions. After detailing the facts, Dr. Featherston said,—seeing "that

[29] *Vide supra*, Chap. IX., p. 75.

Mr. Parris wrote to the Bishop in 1858 that a combination to exterminate Te Rangitake off the lands at Waitara existed; that at the same time the Colonial Treasurer (C. W. Richmond) bound himself with the purchaser of land for the New Zealand Company to get possession of the land at Taranaki; and that three or four months after this negotiation with the Colonial Treasurer at Taranaki, negotiations for the purchase of Teira's block commenced—I can come to no other conclusion than that the present ministry is in some way responsible for the conspiracy which Mr. Parris charged against the settlers; that they are not only responsible, but that they are themselves in the conspiracy; and that there was an undue pressure, both by the settlers of Taranaki and the Colonial Treasurer." Mr. Parris' letter about Mr. Turton's "peremptory plan for acquiring the Waitara district," confirmed Dr. Featherston's suspicions. Mr. Weld obtained a committee to report on the charges thus made in debate. In the inquiry Mr. Richmond denied that he had brought undue pressure to bear on the Governor, or had specially advised the purchase of the Waitara block. Dr. Featherston cited as his justification, Major Nugent's despatch in 1855 (with Te Rangitake's complaint against Mr. Turton); Governor Browne's statement in 1855, that the feud had been aggravated by the injudicious zeal of Mr. Turton, who had "revived the old suspicion that the Europeans would not rest till they had slain and taken possession;" with various other facts. Mr. Richmond cross-examined witnesses, and Mr. Parris vainly strove to explain away his written allusion to Mr. Turton's "peremptory plan." Mr. Turton wrote to exculpate himself, and denied that the Waitara block was "coveted" by the settlers, because "no man could covet his own property," and they had properly bought from the New Zealand Company. To prove his consistency he quoted from his diary in 1855 a statement that "the full justice of the case would require that Rangitake's people should be at once removed away beyond the original surveyor's line at Titirangi." Mr. Parris was called upon in 1860 by the Governor to state whether he had told the Bishop, in 1838, "that he was sorely beset to enter into a conspiracy to deprive Rangitake of his much-coveted land at Waitara"—

Dr. Featherston having stated at a public meeting at Wellington that he had seen a letter from Mr. Parris to the Bishop to that effect. Parris had no copy of his letter, and the Bishop declined to produce it without the writer's permission. It was elicited that the letter was written at the request of about twenty natives who desired to have a minister established among them. The charge against Mr. Turton was incidental, but couched in plain words—that he desired "to exterminate the natives from the Waitara in accordance with his peremptory plan for the acquirement of that delightful and much-coveted district." The letter was produced with Parris's consent, together with correspondence between Richmond and Parris in 1859 and 1860 about the Waitara block. In 1859 Mr. Richmond wrote: "I concur with you in thinking that there is no occasion, under the Native Reserves Act, to obtain the consent of every native who signs a deed whereby a reserve is made. . . . The Governor is very anxious about the completion of the purchase from Teira. I am sure you will press the matter as fast as appears prudent. . . . The Governor feels he is pledged to effect the purchase." The committee examined Mr. Richmond, Mr. Parris, Mr. Carrington, Dr. Featherston, Mr. McLean, and Mr. Weld (their chairman).

Mr. Richmond denied "having brought undue pressure" to bear on the Governor. The Governor wrote a letter to relieve him from the charge. Mr. Richmond cited a ministerial memorandum signed by himself (May, 1860), asserting that the proceedings at Taranaki "were not at any stage urged upon the Governor, or so much as suggested to him by his responsible ministers." He denounced the revelation of "secret thoughts and feelings expressed by Mr. Parris in confidence under the seal of privacy to his spiritual teacher," and averred that "the true meaning of Mr. Parris's passionate and involved expressions had been utterly perverted." In examination Mr. Parris said he was blamed by the settlers at Taranaki for having warned Te Rangitake of the ambush prepared for him at the pah evacuated by Ihaia, and admitted that his letter to the Bishop was not private, though he did not suppose the Bishop had a right to show it to any one. The Chairman of Committees

asked for leave to acquaint the Bishop with the charge made by Mr. Richmond of improperly disclosing the contents of Parris's letter, but did not obtain it. Parris, in reply to Dr. Featherston, said that in discussions with Te Rangitake the latter generally used the expression: "I will not consent to divide the land, because my father's dying words and instructions were to hold it." Parris quoted these words in a letter to Mr. Richmond on the 16th Feb., 1860. This date is significant, when it is remembered that Parris was replying to Mr. Richmond's official letter ordering him (25th Jan.) to survey the disputed block, and if resistance should be offered, to call in the aid of the military; that on the 17th March fire was opened upon Te Rangitake's pah, and that Richmond, in a memorandum addressed to Colonel Browne on the 20th March, used the ominous words: "The occasion has been carefully chosen—the particular question being as favourable a one of its class as could have been selected."

It may seem strange that this pregnant sentence escaped notice if already published in New Zealand. In March, 1861, it was printed by order of the House of Commons; having been sent by Colonel Browne to Sir W. Denison when applying for troops with which to crush Te Rangitake, and having been transmitted to England by Sir W. Denison. Mr. Weld proposed: "That there is no ground whatever for any imputation that undue pressure has been brought to bear in the Executive by Mr. C. W. Richmond on the Waitara question, and that this committee considers his vindication complete." An amendment to insert the words "without imputing blame to Dr. Featherston" after the word "committee" was carried by six votes to four, and was protested against by the minority as beyond the scope of the committee. The report of the committee was adopted by the House.

While the Governor prepared for war, the Maoris were not idle. The king-maker visited the eastern tribes to learn their powers and encourage their devotion. The Rev. Mr. Wilson was sent to persuade him to meet the Governor, and it seemed that he was about to do so, when Porokoru (supposed to have been killed at Mahoetahi) declared, with others, that, if the project were carried out, the king-

maker would be killed by the Maoris on his return. Troops were pushed forward to the border of the debatable land, and the spark which would kindle the elements of war might hourly be expected. Yet one more hope remained for peace. The Governor had written (Feb., 1861) that he had found the Ngapuhi "less well affected than when he last visited them." His despatch was received on the 20th May, and on the 25th the Duke of Newcastle relieved Colonel Browne from his office. With studied courtesy and acknowledgment of past services he hoped that the Governor would not feel it as a slight if the English Government at so critical a time of spreading disaffection, availed itself of the "remarkable authority attaching to the name and character" of Sir George Grey, and reappointed him in New Zealand. A complimentary address to the departing Governor was adopted by the House of Representatives on the 27th Aug., and was feelingly acknowledged. Future employment was open to him, and he obtained it at Tasmania. Men breathed more freely in New Zealand. All had dreaded the war into which Colonel Browne was anxious to plunge at Waikato, with the force at his disposal. Those who did not wish to spare the Maoris wanted more troops and ammunition before recommencing the strife. The Secret Committee of both Houses had asked for them, and the Governor supported the request. They, indeed, would have waited for them. The soldier Governor did not shrink from provoking battle with the force at hand. His and General Cameron's applications for men were afterwards answered by the Duke of Newcastle in a despatch to Sir G. Grey, declaring that "the Imperial Government had done enough by sending out 6000 men, and that the colony can and ought to do the rest."

CHAPTER XI.

1861 to 1863.

GOVERNOR BROWNE'S DEPARTURE.

GOVERNOR BROWNE gracefully accepted the despatch recalling him. He promised his successor loyal assistance, and declared that the appointment of Sir George Grey, "who has so much personal influence with the Maoris, and is so deservedly beloved by them, affords the best hope of a peaceful solution of the present difficulty." He communicated the tidings by letter to Waka Nene. He received complimentary addresses. Amongst Maori addresses was one from Tamati Ngapora, who declared that his heart was "relieved because the threats against Waikato had not been fulfilled."

Sir G. Grey arrived in Auckland (26th Sept., 1861), and Colonel Browne conferred with him before leaving on the 2nd Oct. On the 3rd, Grey assumed office. His chief adviser was Fox, his bitter opponent during his previous term of office in New Zealand. His consultations with his ministry were long. His relations with the men who formed it were changed since he had wielded power in a Crown colony. The Constitution Act of 1852 had in a mangled manner been brought into operation, and, contrary to British usage, official placemen assumed office without resorting to their constituents for approval. Sir G. Grey had kept the office of Land Purchase Commissioner distinct from that of Native Secretary. Governor Browne by a

different course, had bred suspicions in the Maori mind, and the ministry informed Sir G. Grey that the change had caused troubles. The government was looked upon as a gigantic land-broker. The cost of the Taranaki war was thus furnished to Sir G. Grey:—The British extraordinary expenditure had been £500,000; colonial expenditure on military objects, £193,000; cost of removing and aiding women and children, £29,000; losses of settlers, £150,000; total, £872,000. Colonel Browne had sent troops to the front to enter upon a war at Waikato, and a member of the House had estimated that on the outbreak of war the probable cost of removing and maintaining for one year exiles from threatened positions of the Auckland, Wellington, and Hawke's Bay provinces, together with the destruction of property there, would be £1,312,000. General Cameron reported the expense of maintaining the 6000 troops in New Zealand to be £437,715 for the year 1861; the increase on account of war being £337,715. To enter on a Waikato war would raise the military expenditure to nearly a million sterling in the year. The ordinary revenue of the colony was only £282,000 a year. The colonial war liability already amounted to £350,000, and was increasing at the rate of £80,000 per annum. Sir G. Grey urged that war should be avoided if possible, because it would entail miseries not only on Europeans, but on Maoris. He endeavoured to devise a policy with his ministers. On the 2nd Nov. he described the peculiar condition of the Waikato district. Throughout the Taranaki war, while the Waikato warriors were in the field afar, all Europeans, civil, military, or private persons in the Waikato district were unmolested. A Mr. Armitage resided in it, leasing land from a chief (contrary to the colonial law), warning pedestrians not to cross it, exacting a fine of one shilling for trespass, and notifying that he would personally levy it from Maori and European alike. Maori chiefs in other places administered for themselves a rough imitation of English law, levying distress in the immediate vicinity of the so-called Maori king. The king-maker had founded a school, and was seen engaged with his son in ploughing the school land, from the produce of which the children were to be supported. Mr. Gorst, Fellow of St. John's, Cambridge, who

had been previously in the district, had been recently deputed to inspect certain schools there. Sir G. Grey thought it wiser to endeavour to establish law and order by peaceful means than to carry slaughter into such a district.

Mr. Gorst in his book, "The Maori King," drew the sad conclusion that the quarrel with the Maoris might, by prudence, have been avoided. He knew the king-maker, heard him state his intentions before his peace-making journey to Taranaki, and observed that they were punctually fulfilled in spite of misrepresentations by Europeans. On one subject Sir G. Grey took the responsibility of "delaying the execution" of the Duke of Newcastle's commands—viz., to tell the Otaki natives that their professions of loyalty to the Queen would have "made a more favourable impression (in England) if they had not been accompanied by the disloyal ceremony of hoisting the so-called Maori king's flag, in which the greater part of the natives of Otaki appear to have taken part." Sir G. Grey thought it needful to make "a fair inquiry as to whether the natives of Otaki," who signed the petition to the Queen, "had been in any way concerned in hoisting the Maori king's flag." He thought them loyally disposed. "If I were," he said, "to communicate the answer I am directed to give them I should rouse a feeling of hopeless desperation in the minds of large numbers of natives who are still well-disposed."[1]

On the 2nd Nov. Sir George Grey gave an outline of his policy. He desired not to renew military operations, but to introduce institutions suited to the circumstances of the Maoris. To secure as many friends as possible, and thus reduce the number of probable enemies in case of war, was another object. Already he had drawn up a scheme with which, in the main, his responsible advisers concurred. The northern island was to be divided in districts and subdivided into hundreds. Native magistrates and police-officers were to be paid. The runanga (assembly) of each district was to be composed of the Civil Commissioner and twelve persons. The runangas of the hundreds were to

[1] Despatch; 10th Oct., 1861.

select representatives for the district runanga, and the Governor would generally appoint them, giving preference to those acquainted with the English language. The district runangas were to be charged with legislative functions for suppression of nuisances and preventing drunkenness. Hospitals, gaols, and schools were to be under them; and they were to provide for the adjustment of land disputes, tribal or individual. When boundaries were settled, native owners might dispose of land, not exceeding one farm in each case, to a European purchaser approved by the government, on the recommendation of the runanga. The ministry commented on each proposal, but in the main concurred. Fines and fees, and a house or land-tax, were to provide ways and means.

In Nov. the Governor went to the Bay of Islands to proffer his new institutions to the Ngapuhi, to whose chief, Waka Nene, he had already presented a silver cup forwarded by the Queen in compliance with Colonel Browne's application for some mark of favour. The General, the Commodore, and Mr. Fox accompanied him. The reception of the Governor and of his new policy was enthusiastic. With the Ngapuhi tribe, swayed by Waka Nene, it was not difficult to maintain kindly relations. To them Sir G. Grey was still a friend. It was otherwise at Waikato. Te Whero Whero had passed away; and the advisers of Tawhiao were poisoned against Europeans. The greed of the Taranaki settlers, culminating in the rape of the Waitara, had roused suspicions which the Governor's reputation could not lull. From Waikato no sign of friendship was shown. The chieftains held aloof, and watched. Propositions were made for a deputation to the Governor, in compliance with an invitation from Tamati Ngapora, but the joint efforts of Bishop Selwyn and Tamati Ngapora were frustrated. The king-maker wrote a letter in Nov. In a Maori vessel, forbidden by the runanga to carry spirits, had been found three kegs of spirits, put on board by a Frenchman. The runanga seized the spirits, and the king-maker reported and justified the fact. The spirits were retained untouched. Sir G. Grey sent Mr. Gorst to explain that such misdeeds would be prevented under his new institutions. A meeting was to

few serious questions were likely to arise between the Maoris and the legislature. It was also advisable to show confidence in the General Assembly. The responsibility thrown upon it would be a protection against rash dealings, which might involve it in war. Aid would not be expected from England to enforce injustice.

To commend his proposals to the Imperial government, he argued that if his native institutions should succeed, they would entail a special cost of about £50,000 a year, and would abolish an expenditure of £629,000, of which £129,000 fell upon the colony. His ministers undertook to recommend the plan to the General Assembly, and to stake their own position upon it. They drew up a paper to be circulated among Maoris. It embodied the Governor's proposals, and pointed out the blessings of schools and of resident physicians.

The strange medley of affairs arising from the manners of the Maoris, in spite of the confusion into which they had been plunged by the Waitara war, was exemplified in December, 1861. Mr. Crawford, a Wellington functionary, wished to examine the geological formation of the Wanganui district. He went thither, and with three Europeans ascended the river in a canoe. Six Maoris formed the crew. Their chief was Topia Turoa, who will be heard of hereafter. Mr. Crawford passed Pipiriki, but near Tangarakau was told that he could not be allowed to proceed. The land there had been handed to the Maori king, and as the English were at war with him, his permission would be necessary. The result was the return of the party to Wanganui, under the care of the king's friend Turoa.[2] Sir G. Grey commended (8th Dec.) to the Secretary of State a mission to Waikato, which Mr. Gorst was about to undertake, and the Duke of Newcastle, in reply, saw "no difficulty, if the Maoris desire it, in requiring the assent of one of their chiefs, whether Matutaera (Tawhiao) or any other person, to the laws passed by the runanga. Such an assent is no more inconsistent with the sovereignty of Her Majesty than the assent of the superintendent of a province to laws passed by the Provincial

[2] Crawford's "Recollections," &c. 1880.

ment stopped the work during the Taranaki war, in order to avoid giving offence to the Waikato tribes. Sir G. Grey announced his intention to resume it, and the soldiers, then idly quartered about Auckland, were employed in the work. Mr. Gorst averred that this determination increased the respect which the Maoris entertained for the Governor, but convinced them that, like his predecessor, though with more wisdom, he contemplated war.

Mr. Fox had been with the Governor at Taupiri, and proceeded thence, with Mr. Gorst, in a canoe up the Waikato river towards Ngaruawahia. The Governor empowered him to offer to settle the Waitara dispute by means of a mixed commission, of one European and two Maoris chosen by the Governor, and the same number of like persons chosen by Te Rangitake and his friends. Before Mr. Fox reached Ngaruawahia, the chiefs had left it. Mr. Gorst thought that they did so because tidings of the military road to Waikato convinced them that negotiation was useless. Not seeing the king-maker at Ngaruawahia, Fox rode to Hangatiki, where the king was supposed to be visiting the chiefs of Ngatimaniapoto, of whom the redoubtable Rewi was leader. He was honourably received on Saturday, and Rewi appointed Monday for conference. The royal guard-house was close to Mr. Fox's lodging, and its commander (who had visited Europe in an Austrian frigate, the "Novara") spoke English, French, German, and Italian by turns to the visitors, and spoke Maori to his soldiers. On Sunday he carried prayer-books in a bag, and distributed them to the men. Te Rangitake was a guest of Rewi. On Monday the great meeting house was crowded with listeners. Rewi, Te Rangitake, Reihana, and other Ngatimaniapoto chiefs were present. None of the king-maker's people, the Ngatihaua, were there. Tawhiao did not attend. Mr. Fox explained the new institutions, and proposed the settlement of the Waitara dispute by arbitration. Aporo asked whether Governor Browne had not been wrong, and Te Rangitake right, at Taranaki. Mr. Fox soliloquized in English: "Why, that is exactly what I always said in the Assembly." A Maori understood and translated the remark to the assembly. The orator asked: "How then can a trial take place unless the guilty Colonel Browne be present?"

Finally, it was said that the matters were too important to be rashly decided. Waikato would take time to consider. Fox did not see the king, but he informed the king-maker by letter of the proposed arbitration. The answer (21st Jan.) followed him to Auckland. It expressed regret that the writer had not seen Mr. Fox, but thought a meeting would have been of little use. Governor Grey's persistence in stationing soldiers at Te Ia excited suspicion, and the king-maker would not, under such circumstances, consent to an investigation at Waitara. Before returning to Auckland, Fox went to Rewi's settlement at Kihikihi, where many chiefs had assembled to visit the king. That personage quitted Kihikihi as Mr. Fox entered it. By this time word had been brought that the soldiers were already at work on the military road at Maungatawhiri. Tribes were gathering at Rangiriri, eager to attack the troops. The king had sent a message ordering them to be patient, and when he arrived at Rangiriri himself moderate counsels prevailed. As the road was on the Queen's land, it was held that Maoris could not justly interfere with it. If it should be extended to Maori territory, then there would be the requisite "tă-kĕ," or ground for war, and all Waikato would rise. They made comparisons between the Governor and his predecessor. The latter blundered blindly, and all could see his purpose. Governor Grey made silent preparations, and only struck when he was ready. His promptitude was conspicuous. Two days after leaving Kohanga he wrote to General Cameron about the road to Waikato, and (in a week) more than 2000 soldiers were at work, with an advanced post at Pokeno, not far from the Waikato river. At Kihikihi, Rewi, meanwhile, was arguing with Mr. Fox in what Mr. Gorst called a clever and unsparing manner. At an entertainment, Te Rangitake and Mr. Fox ate from the same basket, and discussed the Waitara dispute—the chief declaring that the troops ought to be removed from the place, so that the question might be left to the law. After dinner Te Heu Heu inveighed against the Pakehas in an oration which offended all who were inclined to accept the new institutions.

Sir G. Grey knew the expediency of seeming to be bent on justice. Old disputes about Crown grants to natives

furnished an occasion to him. Law officers had contended that after the coming into operation of the New Constitution (1852) there was a legal obstruction to fulfilment of promises to the natives. Sir G. Grey had urged, in 1851, that power should be vested in the Governor to grant lands to Maoris. It had not been so vested. He now urged that, if needful, the Constitution should be amended. He sent voluminous papers on the subject, amongst which was this characteristic minute by himself: "My advice to ministers would be to have all these Crown grants issued without delay. I do not doubt that they would be valid, but if any doubts were hereafter raised as to their validity, then I would have an Act passed confirming and making good these grants. I think it of the utmost importance that they should be issued at once." He urged repeatedly that Parliament should be asked to apply an immediate remedy for so dangerous an evil; and his ministers who saw his despatches did not dissent, though they preferred local legislation. The Duke of Newcastle replied that he learned with extreme regret "that for no better reason than a supposed legal difficulty, which, if it exist at all, ought in common fairness to have been removed long ago, a large number of natives have failed to obtain the fulfilment of explicit promises by which they had been induced to surrender their lands to the colonial government." He would not shrink from asking Parliament for redress, but as it appeared that the colonial government were willing, on the Governor's advice, to grant it, he thought it better to rely upon their dealings than to submit to Parliament a measure indicating a suspicion that the colonial authorities were indisposed "to deal honestly with their Maori creditors."

Mr. Gorst, in February, was busy as a magistrate at Otawhao, in the Upper Waikato district; and at Taupiri the new institutions were accepted to the extent of electing the village runangas, though the district runanga was not called into existence. At Te Kohekohe another runanga was formed, and Wiremu Te Wheoro was made head magistrate. Intelligent, loyal, and respected even by the king's adherents, he was unable to overcome the reluctance of his tribe to oppose the national party. A hot-headed

Ngatimaniapoto chief, Patene, marched to Otawhao to expel Mr. Gorst from the mission station. The king's runanga had passed a resolution to forbid Queen's magistrates in the king's territory, but they had not appointed Patene to enforce it. He arrived with thirty armed men. The children of the mission school perched themselves upon a fence to watch. Europeans, including ladies, stood by. Patene read an address signed by more than 2000 partisans of the king, and ordered Mr. Gorst to leave. Mr. Gorst refused. Mr. Morgan, the missionary, was not told to go. Finding Mr. Gorst obstinate, and not knowing how far the king would abet his proceedings, Patene drew off his army. The king's council not only did not abet him, but wrote to Rewi enjoining him to keep better order and prevent violence. They passed a law, however, forbidding any resort to Mr. Gorst's court, and it was so loyally obeyed that, during six months, only one native suitor appeared there, and he was fined for doing so. Patene, indignant because the king's advisers had not abetted him in the expulsion of Mr. Gorst, declared that he would not permit others to maltreat him. Submission to the king was undeviating. The village runangas made laws for themselves, and their administration depended much on the character of the principal chief and the respect shown to him. The king-maker was a conspicuous example. Mr. Gorst never heard a complaint of injustice from any European residing amongst the Ngatihaua. But the counsel of the wise was not accepted everywhere. When the king's runanga, at the king-maker's suggestion, passed an ordinance displeasing to Rewi, he would not obey it, and the king's council sorrowfully admitted that it could not enforce its decrees. It was suspicion of Europeans that furnished the bond of union, and but for the injustice at Waitara, the king movement would perhaps have died of inanition. For his king, as the Maori champion against the Pakeha, Rewi was ever ready to run risk. The king-maker, who sought to provide a paternal government and shrank from war, lost influence as Rewi gained it, when the hot spirits of the tribes thirsted for action. Fines, fees, and donations scantily supplied the king's exchequer. A strange instance of the medley of affairs was shown in carry-

ing the mails. The king would not allow the Queen's subjects to carry it through his territory; but two of his followers bore it, and were paid by the colonial government. The king, in church, said "Amen" to the prayer for the Queen, and when, during the Taranaki war, it was proposed to pray for the king instead of the Queen (the Waikato being in the field), it was resolved not to alter the Prayer-book, in spite of murmurers who objected to a prayer that she might vanquish her enemies.

On both sides there were provokers of violence. Sir G. Grey more than once reported that the Maoris bitterly resented the insults cast upon them. "In the attacks thus made in some newspapers upon the natives, and upon all acts of fairness performed towards them, consists at present the greatest difficulty in this country." The Duke of Newcastle could only suggest counter-statements by the Governor, and "reminding the editors of the dangerous consequences of their language." Part of Sir G. Grey's policy was the acquisition of friends amongst the tribes. On the 25th Jan., 1862, Mr. T. H. Smith, Commissioner for the Rotorua district, reported the acceptance by the Arawa tribes of the new institutions. In after years their fidelity attested the value of their adhesion. The resident magistrate at Taupo adopted the new system in March. For a time it seemed that its acceptance was about to destroy confidence in the king movement. Mr. Armstrong, the resident magistrate at Lower Waikato, reported the palpable decay of the king's influence, and the probability of a complete organization of the district.

At Hawke's Bay and at Wellington the Governor in person received loyal assurances from the Maoris. He had no sooner reported these and other satisfactory indications, with the progress made by the troops under General Cameron in forming the military road to the Waikato river, than he was warned of a new difficulty. The Duke of Newcastle was dissatisfied. Why was not the colony taxed to meet its requirements? He was willing to sanction the surrender of native affairs to the General Assembly. All militia and volunteer expenses must, however, be locally borne. The contribution of £5 per man for cost of troops must be continued. A large Imperial force was not to be

maintained in the colony. The Duke would, with limitations, sanction Sir G. Grey's new scheme for governing New Zealand. The colonial government must furnish not less than £26,000. The Imperial government would not supply more than the amount due from the colonists as military contribution—calculated at the rate of £5 a head for every soldier employed. The arrangement was to expire in 1864, and was to be subject to any general measure which the home government might adopt with regard to maintaining Imperial troops in the colonies. Sir G. Grey replied that the General Assembly was about to meet in July (1862), when the Duke's objections would be brought before it, and suggested that affairs might be favourably influenced if his proposals should be approved at an early date, it being unlikely that the Maoris would abandon their confederacy while a possibility existed that the proposals might at any moment be countermanded from England. Meantime, the language used in the newspapers was injurious. The Governor told General Cameron that it had great effect in strengthening suspicions that the Pakehas were bent on the extermination of the Maoris.

Sir G. Grey himself made peace, in June, between two tribes (friendly to the government) which were fighting about a piece of land at the north of Auckland. The foes were entrenched about 200 yards apart. He persuaded them to strike their colours simultaneously. Each leader was to choose two persons, Maori or European. The four chosen were to name a fifth, Maori or European. If they could not agree to do so, the Governor was to name him. The decision of a majority of the five was to be final. Each pah was to be allowed to fall to ruin, so that neither side might boast of destroying the pah of the other. The arbitration was to be held at Auckland. Sir G. Grey was within the entrenchments of Tirirau, one of the disputants, when his "flag was hauled down," and his "assembled chiefs and followers went down upon their knees, and, in the form prescribed in the native Church of England Prayer-book, went through a service of thanksgiving for the mercy of God in protecting them from the perils of war, and in restoring the blessings of peace to them—their whole demeanour evincing the most devout thankfulness."

A dispute about digging for gold was auspiciously put an end to in the same month. Numbers of Europeans were crowding to search for gold on lands the property of Maoris at Coromandel, and threatening to seize the land by force. The Maori king was called upon to take charge of it. Collisions were expected. The Governor, after writing a letter blaming Tawhiao, travelled rapidly to the scene, and persuaded the chiefs to receive an annual payment for the right to search within defined boundaries. The war-party of the Maori king retired from Hauraki whither it had marched.

Before the General Assembly met, the military road was completed to Pokeno, and cordial thanks were given to the General and the soldiers for their skill and alacrity.

To the Assembly, which he convened at Wellington in July, 1862, the Governor commended the consideration of the new institutions for Maori government, and the better organization of militia and volunteer forces. He said: "I have hitherto had no occasion, and hope that I shall have none hereafter, to employ the military forces in any active field operations." The first cloud which threatened his relations to the General now darkened the horizon. General Cameron had reported that the annual training of the militia was neglected. The discontinuance had occurred under Governor Browne, in 1861, and was attributed by Fox and his colleagues to the impossibility of enforcing the training without driving away the population to the goldfields in Australia, and those recently discovered in the Middle Island. They hoped to legislate on the subject. Appreciating their difficulties, and shrinking from the risk of a war of races, the Governor wrote that he was endeavouring to persuade the local government to create a permanent armed police force of Europeans and Maoris, who would ultimately take a principal part of the colonial military duty; a plan of which the Secretary of State approved.

Mr. Fox brought before the House a resolution disclaiming exclusive responsibility for controlling Maori affairs, and liability for the principal cost of suppressing insurrections; recognizing the duty of cheerful co-operation, to the extent of the colonial ability, with the Imperial government; but declaring that " (reserving to the Governor both the initia-

tion and decision of questions where Imperial interests are concerned), the ordinary conduct of native affairs should be placed under the administration of responsible ministers." The "previous question" was moved and the House was evenly divided. Twenty-two supported, and the same number opposed, Mr. Fox. The dissatisfied ministry resigned. Mr. Stafford and Mr. Fitzgerald severally declined to take office, and on the 5th August Mr. Domett formed a ministry, with Messrs. T. B. Gillies, Mantell (Postmaster-General), and Dillon Bell (Minister for Native Affairs and Treasurer), as colleagues in the House of Representatives; Mr. H. J. Tancred and Mr. T. Russell being members of the Executive Council without office. The Domett ministry was considered favourable to the doctrine that the Imperial government, and not the colony, should be responsible for native affairs. But at this juncture the Governor received the sanction of the home government to the placing of native affairs under the control of the Assembly. The House considered the subject, and (19th Aug.) agreed to the following resolutions (proposed by Mr. Domett) by a majority of nine: "That in the opinion of this House the relations between his Excellency the Governor and his responsible advisers should rest upon the following basis: 1. That ministers should, in conformity with the Royal Instructions, advise the Governor in native affairs (as well as in colonial affairs) whenever his Excellency desires to obtain such advice, and should also tender advice on all occasions of importance, when they deem it their duty in the interests of the colony to do so. 2. That ministers should, at his Excellency's request, undertake the administration of native affairs, reserving to his Excellency the decision in all matters of native policy. 3. That as the decision in all matters of native policy is with his Excellency, the advice of ministers shall not be held to bind the colony to any liability, past or future, in connection with native affairs, beyond the amount authorized, or to be authorized, by the House of Representatives." (Similar resolutions were subsequently moved in the Legislative Council, but after debate, were withdrawn.) It may be mentioned that Dr. Featherston, Mr. Fitzgerald, Mr. Fitzherbert, and Mr. Fox voted against the resolutions.

Sir G. Grey reported that he had consented to act in the

spirit of these resolutions until further instructions might reach him. He did so, because he was satisfied that, whatever the theoretical relations might be, practically, while he was in New Zealand, the result would be the same. He hoped that when existing difficulties were brought to a close the Assembly would assume responsibility for native affairs, at the desire of the Secretary of State. The House having thus crystallized its intentions, the ministry was remodelled. Mr. Sewell became Attorney-General. Mr. Crosbie Ward went to the Post Office. Mr. Bell vacated the Treasury for the returning Mr. Reader Wood. The chief result was that Mr. Domett succeeded Mr. Fox, and Mr. F. Dillon Bell was Secretary for Native Affairs. Mr. Fox's colleagues were in office without Mr. Fox. When Fox retired, Sir G. Grey recorded his sense of the cordial and generous support afforded by his old accuser, and on the remodelling of the ministry told the Secretary of State that the "policy of the government in all its main features closely resembled that of the previous government.[8] A measure was passed to raise a loan to meet past liabilities and future exigencies in native affairs, and while the House was in session instructions from the Imperial Treasury commanded the Depy. Commissary-General to make no more payments by loan or otherwise for any colonial need whatever. The working pay of military parties on the road to Waikato was stopped. Taranaki militia pay and rations, as previously provided by the Imperial exchequer, were thenceforth to cease. Immediate re-imbursement of past payments was temporarily waived by the Treasury, and the waiver was to constitute "the aid to be afforded from Imperial resources." Sir G. Grey deplored the unexpected suddenness of the decision, which was the more unfortunate as the Assembly had just

[8] Mr. Domett had been desirous to include Mr. Fox in the ministry. Fox's friends thought that, if included, Fox should be at the head of it. Fox told the House that his "mission was ended." The "unhappy events of the Taranaki war had forced him into the position of leader of a party in this House whose business it was to stand between the natives and the great injustice which was being perpetrated upon them. . . . We averted the great crime of the extermination of the native race. . . . No government and no Governor will dare to repeat in this colony the episode of Waitara." N.Z. "Hansard," 20th Aug., 1862.

voted a sum to defray all advances from the military chest previously made for militia and similar charges.

Before the close of the session the Legislative Council addressed the Queen on the subject of native affairs. On the plea that the colonists had not exercised real control, they urged that the expense of war ought to fall on the home government. The government of the Maoris could not justly be handed over to the colonists at such a crisis. After establishment of peace they would be willing to undertake their fair share of it. The representatives sent similar remonstrances. They declared also that the step taken by Sir G. Grey of demitting Maori control to the Assembly was taken without their concurrence, and that the condition of the colony forbade them to close with the Duke of Newcastle's offer to approve of such a policy. They thought themselves justified in asserting that the "settlers had not been the authors" of the war,[4] and they criticized the conduct of it "by inefficient and incompetent commanders,' whom there was no local authority to remove. They prayed for aid, and would, as far as their "means would allow," bear burdens. They would relieve the English government of the anxiety of Maori management, "if the power is given and the help continued to us that will make our efforts hopeful." They "respectfully declined" the Duke's proposal, not as shrinking unworthily from proper burdens, "but because we seem to discover in the despatches an intention to withdraw from engagements to which the British nation is honourably bound, and to transfer to the colony liabilities and burdens which belong properly to the Empire." It was fit that such equivocating words should be addressed to the minister who had tarnished the English name in 1860 by sanctioning the rape of the Waitara. It would have been galling for another to defend the position. He approved of Sir G. Grey's conduct, and added:—"I congratulate myself on the circumstance that the government of New Zealand is in the hands of an officer whose

[4] This was on the 13th Sept. Two days previously the Hon. Colonel A. H. Russell said in the Council: "We find the Governor accompanied to Taranaki by a responsible minister, and consulting him before he accepts Teira's offer of his land, and upon his return to Auckland throwing himself altogether upon the ministers, and deciding by their advice the question of peace or war." N.Z. "Hansard," 1862 (p. 706).

personal character will secure him a due influence in the affairs of the colony, independently of the terms in which the General Assembly may recognize his authority." He referred to the constant jealousy and encroachment by the colonial government upon the Governor's powers relating to the native race, and, as far as he could without condemning his own conduct in 1860, he strove to throw the onus of causing the war upon the local ministry.

"I need hardly inform the framers of these memorials that the slow progress of land sales held under the auspices of the Native Department, and therefore under the control of the Imperial Government, was an object of complaint to the settlers, and that these complaints were particularly urgent in New Plymouth, and referred especially to the land in the neighbourhood of the Waitara. The decision to complete, by force if necessary, the purchase of that land was adopted at the advice not of the Native Department but of the Executive Council, and the proclamation of martial law was transmitted to the officer in command under the signature of the chief responsible minister. It was under this pressure, with this advice and through this agency, that Governor Browne took the steps that led to the war—steps which, although I thought it my duty to sanction them, were in a direction opposite to that which a purely Imperial policy would have dictated. It is in this state of facts that the two legislative bodies of New Zealand, without alleging that Colonel Browne's acts were unwise, or that they were dictated by any Imperial policy or instructions, without denying that they arose, on the contrary, from a desire to promote colonial interests in a way which the colonists themselves demanded, and by proceedings which the responsible ministers formally advised, do not hesitate to repudiate all responsibility in the matter, and to charge the Home Government with the authorship of their sufferings."

In rightly accusing the colonists, the Duke was also convicting himself. His despatch was long; and in conclusion, the Governor was instructed that the consent of the colonists was not needed to make effectual the resignation by the home government of control. It was complete by the act of the home government. If the Governor should resume or retain control of the Native department, it would not be in obedience to instructions, but "at request of his responsible ministers or under some pressing necessity occasioned by their action or inaction, for the consequences of which, therefore, the home government would not be responsible." Of course, the Governor would exercise a negative power if Imperial rights should be invaded, or the faith of the Crown under the Waitangi treaty were jeopardized, or injustice were attempted. He might have to appeal from his advisers to the Assembly, or from the

Assembly to the constituencies, and he would, as to employment of the Queen's forces, be responsible, with the officer in command. The maintenance of those troops in New Zealand entitled the home government to a potential voice in requiring justice and liberality to the Maoris. The control of the army would ensure attention to the words of a Governor who had been selected as the fittest adviser and administrator for the colony.

In the scheme proposed by the Governor soon after his arrival, military men were specially asked for as Civil Commissioners. Strong reasons were given, and some others ought to have been patent to a functionary who had been warned by Governor Browne of the manner in which some colonists lusted for the lands of the Maoris. But the Duke allowed the request to slumber for more than three months in Downing-street, before he replied: "I doubt whether, under present military regulations, an officer can be detached from his regiment to serve as Commissioner in a native district; but in case this should prove practicable, Her Majesty's government can only assent on the understanding that the whole pay of the officer shall be defrayed by the colony." Sir G. Grey urged that serious consequences might arise from inability to do what he wished, and that the desired arrangement had been allowed ever since he had been in the service of the Crown. "I assure your Grace," he added, "that a most serious crisis is impending here, and that I require all the aid and support, physical and moral, that can be given me." Thus adjured, the Duke consulted the War Office, and, fifteen months after Grey had made his request, the Commander-in-Chief forwarded to General Cameron a discretionary power to allow the employment of officers.

The Duke is entitled to credit for promptitude on one point. The New Zealand ministry desired to carry roads through lands over which the native title was not extinguished. In Nov., 1862, the Attorney-General, Sewell, gave an opinion that the Crown in spite of the Waitangi Treaty could, in conformity with "the essential conditions of sovereignty," seize upon Maori lands required for roads. He saw technical objections to grasping them under local enactment, because the powers of the General Assembly

did not enure until Maori lands had been ceded to the Crown. He could find no express authority for his advice, but referred generally to Books I. II. and III. of Vattel. Mr. F. D. Fenton, assistant law officer, knew something of Maori laws, and Maori temperaments. Without delay (28th Nov.)[5] he interposed. He could "not avoid the conclusion that (Sewell's) opinion was erroneous in law." He explained his reasons, and suggested that the matter, serious as it might prove, should be reconsidered. Mr. Sewell retired (1st Jan., 1863) without giving a further opinion. Mr. Whitaker took office as Attorney-General without ministerial responsibility. His opinion agreed with Sewell's. He who saw no objection to the pillage of the principal chief, and the denial of tribal rights, at Waitara, was not the man to shrink from robbing unnamed Maoris, whose lands were wanted for a road from Taranaki to Tataraimaka. "It may be objected," he said (21st Feb.), "that this would be contrary to the treaty of Waitangi. To this I answer that a positive enactment of the legislature would prevail over the terms of the treaty if there were any conflict,"—and he urged that a right to make roads, as essential to sovereignty, must be implied to have been ceded to the Queen. That a man, called a lawyer, could think that the terms of a treaty could be honestly cancelled by one of the contracting parties without consultation of the other can hardly be imagined. On the contrary assumption, the student may learn the nature of the measures which Mr. Whitaker was ready to apply to the Maoris. Sir G. Grey, like Mr. Fenton, saw imminent dangers. He told the Duke of Newcastle (Dec., 1862) when transmitting Sewell's opinion, that the natives would probably "resist by force of arms." In forwarding Whitaker's he drew attention to the subject as "most important" (24th Feb.). The Duke of Newcastle's susceptibility as to the honour of the Crown was not so weak as to be overborne by the robber-logic of Mr. Whitaker, or by the abstruse generalities of Sewell. He had in March[6] dealt with the latter. He would "hesitate to admit as a matter of strict law that Her Majesty had the

[5] P. P. 1863; vol. xxxviii. p. 109. [6] P. P. 1863; vol. xxxviii. p. 145.

furnished reports, had reduced expenditure, and could only regret that it was thought necessary to censure himself and his government so severely and so frequently. Events, he hoped, would modify the opinions in England. For himself he was sure that to make roads and encourage peace was wiser than to force one race to take up arms against the other. He still hoped Her Majesty's government would see reason to approve of what he had done.

The Assembly had empowered the Governor to deal with the native reserves, and issue grants. The Civil List grant for native purposes had been raised from £7000 to £26,000. The grant of £5 for each soldier in the colony had been secured by law; and the yearly grant of £7000 for native schools was retained. A Loan Act for half a million sterling had been passed. A special colonial defence force had been authorized by enactment. The Militia Act of 1858 had been amended, and a penalty of £5 for failure of attendance had been enacted. An amended Native Districts Regulation Act enabled the Governor to cause seizure of spirits removed to certain districts, and thus one complaint made by the king-maker was met. The Native Circuit Courts Act of 1858 was amended. A Native Lands Act (1862) had been passed, not in the form desired by the Governor, but accepted by him as the soundest which the Assembly would pass. He had desired to introduce, gradually, direct dealings in land between European and Maori, to an extent not exceeding one farm for one European, such transactions being dependent on personal occupation by the European under penalties enforced by the government. The native runanga was to concur in the sale to make it valid.

One Native Lands Bill brought in by Mr. Fox was discharged by 18 votes against 10, after the Domett ministry was formed. A second, brought in by the Domett ministry, was read a second time (by 27 votes against 10) on the 27th Aug., after warm discussion. Unfortunately, the Fox ministry shrank from Sir G. Grey's scheme as too stringent upon the settlers. The Domett ministry shared the objections of their predecessors, and the Bill was introduced in a form which recognized the right of a Maori to deal with his land after the native ownership had been

ascertained by courts to be established for the purpose. The resolutions of the House (19th Aug.) as to the relations between the Governor and his advisers having left the decision in matters of native policy to the Governor, the ministry thought it unfair to proceed with the Bill without his approval. On the 24th Aug. they said they would withdraw it if he could not approve it, but were willing to introduce modifications at his request. He replied (25th Aug.) that, understanding from them that the principle of the measure was that natives should be allowed to have as good a title to their lands as Europeans, and to obtain the value by sale or letting, he agreed to it. Again, in Sept., he was urged to allow it to be said in the Council that the measure was acceptable to him, in order to ensure its passing. He answered:—"I have always thought and still think, that the plan I proposed for the recognition of the title of the natives to their lands, and for the gradual occupation of the country, by European proprietors agreeable to the natives of the district, was best adapted to the circumstances of the country and most likely to produce permanently beneficial results. At the same time, as there appears no hope of my succeeding in convincing a majority of the Assembly that my views are the soundest and best, I think the recognition of the title of the natives to their lands a matter of such importance, that I will, as I have before stated, accept the Bill in the form in which it passed the House of Representatives for transmission to the Imperial government; and I think, upon the whole, it can be so worked as to produce beneficial results at this crisis."

Mr. Sewell, Attorney-General (both in the Fox ministry and that of Mr. Domett), objected strongly to portions of the Domett Bill, and remonstrated against them while it was before the Legislative Council of which he was a member, though he voted for the second reading, on the ground that some kind of legislation was indispensable.[7] The reply of

[7] Mr. Sewell's sagacious speech on the Bill in the Council (N.Z. Hansard, 1862, pp. 686-691) is too lengthy for introduction in these pages, but will well repay perusal. "I feel indignant and ashamed (he said) when I hear, or hear of, gentlemen of high honour denouncing the Treaty of Waitangi as a sham and a delusion—a device to amuse savages, to be set at nought by us at pleasure. In one sense, indeed, it may be treated as a

his colleagues may be seen, by the curious, in blue-books. The Native Minister (Mr. F. D. Bell) drew up a commentary on the Bill and its progress, in which he took credit for the moderation of the Governor's advisers, who could command a majority of three to one in favour of their original measure. Thus the Governor, while rebuked by the Secretary of State for not doing more, was congratulated by his advisers upon being allowed to do so much. It was, however, a great advance towards justice to provide a court to "ascertain and declare who, according to native custom, are the proprietors of any native lands, and the estate or interest held by them therein."

By slow degrees the prayers of Sir W. Martin, Bishop Selwyn, and Te Waharoa, had prevailed in a measure. But the nature of the court was peculiar. "It shall be lawful for the Governor from time to time by commission or order-in-council to constitute a court or courts for the purpose of ascertaining, &c." Under such a provision, a wise Governor bent upon doing good might do it. But an unwise one could do evil. No enduring court was created. An upright judge in one case might never be re-employed. A pliant tool might calculate upon being re-hired. The courts were to be occasional, and the judiciary the mere creature of the Executive at pleasure.

The lands south of Taranaki were still void of the settlers driven from them by the Ngatiruanui and Taranaki tribes during the war of 1860, and were ostensibly held by the natives in right of reconquest, which was considered in itself a sufficient reason for giving vitality to the Native Lands Act only by authority of the Governor. Whether the Bill would have been beneficial if war had not been renewed in 1863, it is impossible to say. In fact its provisions were not largely used.

sham and a delusion—namely, so far as we are at liberty to hold the natives bound by it. They may not have understood, probably did not clearly understand, the nature of that engagement; but the Treaty was of our making. *Verba fortius accipiuntur contra proferentem.* We, at least, are estopped from repudiating its undertakings."

In the House, in discussing the Bill, Dr. Featherston said that it "not merely abrogated but abnegated the fundamental principle of the Treaty of Waitangi. He had never hesitated in declaring that the late war at Taranaki originated in the late Governor's practical denial of that treaty."

The nominee Legislative Council feared that the Governor or his advisers sought to impair their independence by creation of new members. The Attorney-General in July declared that the ministry were "not prepared to bring in a Bill limiting the number of members." Mr. Menzies sagaciously declared that some limit was necessary "to prevent the possibility of some future, perhaps unscrupulous, ministry flooding the Council with improper members, thereby damaging its character and destroying its usefulness."[8] Chief Justice Arney warmly supported Mr. Menzies' motion, which was carried on a division (21st July). On the 21st Aug. an address to the Queen was adopted. It pointed out that in the Constitution Act of 1852 it had been provided that the number should be not less than ten, and that Royal Instructions had limited it (first to fifteen and subsequently) to twenty members. The members prayed that the number might so be limited as not to exceed three-fourths of that of the other House. The Councillors had reason for their fears. Mr. Fox had presented, and Sir G. Grey had transmitted, a memorandum urging that power ought to be given to add to the number of the Council before the next session. In his opinion the Governor ought to have power to increase the Council from time to time by an additional number of ten members. The Duke's reply was inconsequential (26th March, 1862): "Having fully considered the recommendation and the grounds upon which it is made, I think it best, while withdrawing the limitation of the number of the Council, to refrain from imposing any restriction when none has been imposed by the Legislature. I shall therefore advise Her Majesty simply to repeal by an additional Instruction the limit which is now placed on the extension of the Legislative Council, and that Instruction will be transmitted to you as soon as the necessary forms will admit of its completion." Professing reluctance to impose restrictions the Duke was willing by the removal of a restriction upon the Governor to subject a whole branch of the Legislature to the caprice of the local Executive.

Other difficulties existed at the time. The General reported

[8] 1894.—If Mr. Menzies had been a prophet he could hardly have used more fitting terms to warn the Council of things to come in 1892.

secretly to England what he ought, if he touched it at all, to have brought before the New Zealand government. The Maoris after the wrong done at Waitara, were slow to trust the local government. The Assembly, while resolving that the Governor must be responsible for native affairs, would not legislate in the manner which seemed to him fittest to inspire the natives with confidence about their lands.

Emboldened by supposed success in arms, the Maori race had learned rashness; while greed and obstinacy prevented many colonists from becoming just or wise. Confessedly critical, the position presented hideous possibilities. While admiring the noble qualities of the Maoris, Sir G. Grey knew the atrocious savagery of their modes of warfare, to which they might recur in sudden raids on the settlers if a national rising should be provoked. Torture, mutilation, and cannibalism, were the ancient demons of war. Women and children were victims. It is just to those who supported Mr. Fitzgerald to record the noble attempt he made to procure for the Maori race some representation in the Legislature. His eloquence was the theme of universal praise. He carried a resolution recognizing the right of all Her Majesty's subjects, of whatever race, to a full and equal enjoyment of civil and political privileges. He moved that such recognition "necessitated the personal aid of one or more native chiefs in the administration of the government of the colony,—the presence of members of the Maori nobility in the Legislative Council,—and a fair representation in this House of a race which constitutes one-third of the population of the colony." There were seventeen Ayes and twenty Noes. Supporting Mr. Fitzgerald were Mr. Atkinson, Mr. Dillon Bell, Mr. Brandon, Mr. Carter, Mr. Fitzherbert, Mr. Fox, Mr. Gillies, Mr. G. Graham, Mr. Mantell, Mr. Moorhouse, Mr. Renall, Mr. C. J. Taylor, Mr. Waring Taylor, Mr. Watt, Mr. John Williamson, and Mr. Wood. There were two Richmonds (not Mr. C. W. Richmond), and Mr. Weld, among the victorious twenty, who thus rendered impossible what seemed to them a wild experiment, but was in a few years to be accepted as a necessity. It is more grateful to record the names of Mr. Fitzgerald's supporters than those which were enrolled against him.

Suspicions at Waikato were meanwhile strengthened. It was foreseen that a road to Waikato would enable the English to throw troops into the district and endanger Ngaruawahia. Rewi and the war faction began to predominate. The king-maker vainly urged the runanga to accept the proposal of the government to investigate fairly the Waitara dispute. Rewi commanded a majority. When the military road to Te Ia on the Waikato was completed, and the Queen's Redoubt at the terminus made capable of holding 1000 men, Sir G. Grey caused a branch road to be made to the bank of the Maungatawhiri, and timber was conveyed thither to form a landing-stage. Dreading the construction of a bridge, the Maoris were scarcely appeased by being told that the Governor did not mean to build a bridge till the next year, when he hoped their opposition would be withdrawn. Another proposed road excited them more violently. Wiremu Nera and his people had agreed to make a road from Raglan, on the west coast, near Whaingaroa harbour, to Watawata on the Waipa river, not many miles above its junction with the Waikato at Ngaruawahia. Troops landed at Raglan could by such a road take the Maori capital in rear while it was assailed in front by forces arriving by the military road to Te Ia, and by steamers on the Waikato river. Maori claims to land were put forward to deter Wiremu Nera from his project. War meetings were held, and when a day was fixed for cutting down trees upon the line an armed band went from Rewi's settlement at Kihikihi to stop the work by force. They received a stern message from the king-maker. Wiremu Nera had been his father's comrade, and whoever assailed him must fight the Ngatihaua and their chief. The road question must be settled by Wiremu Nera's tribe and his own. The interlopers retired. The king-maker appealed to Wiremu Nera to desist from a scheme which would place Waikato at the Governor's mercy. The king's sister, Te Paea, who was said to have more of Te Whero Whero's disposition than had descended to her royal brother, with her own hands pulled up the stakes with which the road had been marked out. Thus adjured and confronted, Wiremu Nera agreed to begin his road-making at Raglan, on Queen's territory. His men were satisfied with payment, and the uproar ceased.

Mr. Gorst meantime was troubled at Te Awamutu. Bishop Selwyn and the Church Missionary Society had 200 acres of land at Otawhao, close to the spot. They gave it up to the government. There were 800 other acres which the Maoris had granted for an industrial school and hospital during Sir G. Grey's former government. They were less trustful now, and said that the grant had lapsed by ten years' neglect to use it. The war-party failed to induce Tawhiao to take violent measures. It was decided not to drive Mr. Gorst away; but to prevent the erection of school buildings by forbidding sales of timber. When in spite of the prohibition two trees were sold, Rewi's friends wished to take them back, but the majority declined to commit an act which might be called theft. More timber was obtained, and the school prospered. The government provided a teacher of reading, writing, and arithmetic. The trades of the carpenter, blacksmith, wheelwright, shoemaker, tailor, and printer were taught. Agriculture and pastoral pursuits were not neglected. Te Oriori patronized the school. The king-maker, and even Rewi, visited the institution so strangely established in the heart of the king's territory.

On the 2nd Sept., Waharoa issued a curt summons "from the whole runanga," to the tribes, to assemble at Peria on the 21st Oct. An account by a Maori declared that "the cause of the runanga was to lay down laws for the good of this island." Mr. Gorst thought it was called to discuss the Waitara question. Rewi stated that he and Te Rangitake consented that there should be "a careful investigation" of the Waitara dispute, but that at Peria the Maoris decided otherwise. The meeting was full of dramatic incident. Bishop Selwyn attended.[9] The pre-

[9] In 1861 the Bishop was hooted by some settlers at Taranaki. As the crowd followed him he turned round to speak. They began to turn away. He called out: "It is more English-like to look me in the face and tell me your grievances." Colloquy ensued, in which the Bishop's biographer declares that he was good-humoured and triumphant. Amongst the hooters were three Provincial Councillors. He went amongst the Ngatiruanui, and was told by a Maori that he ought not to travel through their country. He would be looked upon as a spy. He answered: "I am like wheat. The Pakehas at Taranaki were the upper-stone grinding me there, and now you grind me here." He paused till a deputation invited him to proceed, and he marvelled at the kindness he experienced in the district so recently ravaged in war.

thrice repeated: "Do you consent that the king shall stand?" "I consent to there being one law, whether by the Queen, the Governor, or Matutaera (Tawhiao); whether carried out by a Pakeha or Maori runanga. I consent to there being one law for us all. This is what I consent to." This reply was deemed unsatisfactory. The old man pointed out that the Bishop called their king only Matutaera, and gave as his own verdict: "Let there be one law, but let the authority be divided into two."

The king-maker acknowledged a change of opinion, caused by the deceitfulness of the ministers, the occupation of Te Ia, and the Governor's letter to Matutaera (on the occasion of the march towards Coromandel) threatening that the king would be punished by-and-by. The Bishop repudiated all intention of deceit. Voters came forward for the Bishop. Kihirini, an old chief of Middle Waikato, sat by the Bishop, and said he would have voted for him but for the occupation of Te Ia. The Ngatikahungunu tribe began to speak, and their chief, a friend of the Bishop, advised him that as he had opened the subject the Maoris would get on better by themselves. The Bishop left with the conviction—That the king's friends were more friendly than before; that their tenacity for their king was unabated; that the east coast tribes were most vigorous in opposition to the Pakeha; that all acknowledged the necessity of one law; that the difficulty was to reconcile unity of law with duality of "mana;" that it would not be impossible to bring about a compromise, on the basis approved by the Secretary of State, that Matutaera and his Council might make laws to be presented to the Governor for confirmation, like the laws of the New Zealand provinces; that there was absolutely no trace of hostility of race, and no unanimity even on the subject of division of races. But though the Bishop obtained no vote of approval, he had won friends, and persuaded the king-maker to make a final effort for peace. After the Peria meeting, the king-maker went to Kihikihi and formally asked Rewi and Te Rangitake to agree to the investigation of the Waitara title as proposed by the Governor. Rangitake refused, and the Ngatimaniapoto supported him. The king-maker asked that Tataraimaka should be restored to its European owners. The

Ngatimaniapoto refused even this. In sorrow the king-maker retired. To quarrel with his countrymen could not promote the union which he had at heart, and he saw no alternative but submission. The times were out of joint, and would not be set right by him. Yet he rebuked the violent by his example. Mr. Gorst reported (March, 1862) that when the king's military guard, established by Rewi's influence, had to be supplied by the Ngatihaua, the king-maker took down men and ploughs, broke up and planted land with potatoes, and said that was the soldiering his tribe could do.

In Nov. General Cameron represented to Sir G. Grey the smallness of his force. It was diminishing in number by reason of drafts of invalids. He had only 2681 effective men to guard Auckland and the long line of communication with the advanced posts. There were more than 700 soldiers at Taranaki, 352 at Wanganui, 274 at Wellington, 271 at Napier, 91 at Otago. The representation was forwarded to England by Sir G. Grey (27th Nov.), simultaneously with a despatch in reply to the Secretary of State's censure, founded upon General Cameron's complaints that the militia were not duly trained. The Duke of Newcastle had said: "With such a fact before me I have a right to assume that there are more soldiers in the colony than are required." Grey deprecated so severe a reprimand, published before he had seen Cameron's complaint. By such a course a man's "character might be irretrievably ruined, even before he has been accused." In Feb., 1863, the Duke replied that he blamed not Grey but his advisers, and considered that he was thereby strengthening Grey in dealing with his ministers and the legislature.

In Dec., a chief traversed the country from Wanganui to Waikato and Auckland. Everywhere he canvassed the condition of the country with the chiefs, and everywhere he found a disposition to maintain the "mana" of the king. His diary was sent to the Secretary of State. On the 1st Jan., 1863, Sir G. Grey started for the Waikato. He met Te Wheoro at Drury, and with a crew of 20 Maoris, some of whom were chiefs and the king's friends, was wafted up the Waikato and landed at Paetai before midnight, being with hearty welcome. At seven o'clock in the

morning 200 natives were assembled. Among them were partisans of the king; but all took off their hats, saluted him as their father, and declared that if he had never left the country the king would not have been heard of. They prepared horses to escort him to Taupiri. Having arrived there early in the day, he pushed on to Ngaruawahia unattended. The king was at Hangatiki. Te Waharoa was at Peria. Te Paea, the king's sister, and a few chiefs were at Ngaruawahia. As the Governor walked about, gazing on the tomb of Te Whero Whero, and the flagstaff of the king, he was recognized and surrounded by the Maoris. They did not say—Come, let us kill him. They called him their father and protector, and many wept tears of joy—with the Maori facility which the custom of "tangi" created. He thanked them and returned to Taupiri. Messengers informed the king, Te Waharoa, and others, of the presence of the Governor. The king was unable to travel, but the king-maker rapidly reached Ngaruawahia. Other chiefs attended; but Rewi and his partisans were conspicuously absent. The chiefs were told that they could see the Governor, if they wished, at Taupiri. They proceeded thither, and seated on the ground awaited his appearance. The king-maker rushed forward, seized his hand, welcomed him to Waikato, and amid uncovered heads escorted him to the seat prepared for him. "Welcome our old friend! Welcome the Governor! Welcome our father, the friend of Potatau! Welcome parent of the people!" Such were the cries with which a race denounced as unmitigated savages greeted a Governor who had put himself in their power. Taati, of Rangiaohia, and the king-maker made orations. The latter said that the king movement had been in the minds of the Maoris long before form and shape were given to it. Under it good laws, approved by the Governor, might be passed. He spoke of Governor Browne as—"ko te mea hohoro ki te riri"—one who was hasty to be angry. He asked, as Tipene had asked at Taupiri in Dec., whether Grey was still opposed to the king. Grey replied that he continually studied how to pull him down. "I shall not fight against him with the sword, but I shall dig round him till he falls of his own accord." It was an unhappy speech, and was never forgotten. It

[illegible] the suspicions of the distrustful. The chiefs [illegible] the introduction of a steamer on the Waikato [illegible]. The Governor said they should put one there for [illegible] himself: but so useful a thing ought not to be wanted: [illegible] falling rubber treaties, he must place one there. He [illegible] to send a deputation to Auckland to discuss [illegible]. In the evening he became ill, and the [illegible] was carried with loud cheers for the Governor. The [illegible] returned to Ngaruawahia, where it was resolved [illegible] with the Governor to visit all the chiefs in the district. [illegible] which time he hurried back to Auckland, postponing his [illegible] Paetai, Maoris galloped on the river-bank [illegible] the king-maker and others, urging him, [illegible] would permit, to visit all the people. The king-[illegible] true to their professions, urged the Nga-[illegible] abandon the Tataraimaka block. But Rewi and [illegible] letters of an opposite character, promising [illegible] the help of the Waikato if [illegible] king-maker denied) the help of the Waikato if [illegible] from its retention.

[illegible] 2nd Feb., 1863, Mr. Parris wrote from Taranaki: [illegible] opinion that Tataraimaka ought to be taken [illegible] without a renewal of hostilities if carefully [illegible] by stationing not less than 100 troops there." [illegible] of 1859 ought to have prevented the ministry [illegible] any faith in this statement, which was accom-[illegible] another to the effect that the Ngatiruanui tribe [illegible] district closed, not only against Europeans but [illegible] natives serving the Queen. The Governor himself [illegible] be deceived, for (9th and 14th Feb.) he for-[illegible] England hostile Maori letters sent to him by [illegible] chiefs, to warn him of danger. One (Dec., 1862, [illegible] Tauranga from Taranaki), urged immediate war if [illegible] should be placed on the Waikato river. "Fire [illegible] at once. . . . If we see that the Governor [illegible] possession of Waireka and Tataraimaka we [illegible] him at once."[10]

[illegible] the end of February the Governor went to Taranaki. [illegible] had no sooner gone thither than troubles arose about [illegible]. At this time H.M.S. "Orpheus" was wrecked at the Manukau, [illegible] Parris were conspicuous in saving the lives of the crew.

timber carried on rafts from Maungatawhiri for construction of police-barracks at Kohe-kohe where Te Wheoro adhered to the Queen. The king's runanga debated a whole night, and instructed Te Wheoro that Waikato would take back the timber to the Queen's land. An armed band arrived to carry the threat into execution. Te Wheoro was staunch, although Tamati Ngapora and others urged him to give way. Argument lasted for two days. Then the orators left the army to work. The Kohe-kohe Maoris watched the timber. After waiting all day for an opportunity, the army proceeded to throw the timber into the river. Twelve Maori women and eight men dragged it back as quickly as it was thrown in. The sharp edges drew blood from the excited strugglers, but no blows were struck. The weary army abandoned its unwarlike work. Only six pieces of wood had floated away, and they were afterwards recovered. The Governor, at Taranaki, advised the stoppage of the pensions of Tamati Ngapora and others, increased the salaries of his allies and gave £5 a year to each of the gallant Maori women, and a watch to each of the eight men. To Tamati Ngapora he offered an inquiry, but Ngapora was not one of those who could be bought. The war-party of Ngaruawahia sent more men under Wi Kumete to remove the timber by force. Mr. Gorst met them at Rangiriri. Wi Kumete showed him some spirits which he had captured from a canoe importing them in defiance of the Maori law. Undeterred by Gorst's remonstrances, Wi Kumete went to Te Kohe-kohe, threw the timber into the river, bound it in rafts, and sent a message to the officer in command at the Queen's Redoubt. If provided with safe-conduct the Maoris would land the timber at Te Ia; if not, they would let the rafts drift on the river. Kumete received permission to land the timber unmolested; kept spectators off with ropes and stakes, and a guard of his own soldiers; landed the timber; returned triumphantly to Kohe-kohe, and suggested that Mr. Gorst and all his surroundings at Te Awamutu should be removed in like manner. The Maoris had put up a post at Maungatawhiri on the Queen's land, with a notice: "This is the Pakeha boundary. The water belongs to the Maoris." Mr. Gorst had pulled up the post, but Kumete re-erected it, and declared that Mr. Gorst's conduct demanded his expulsion. Mr. Fitz-

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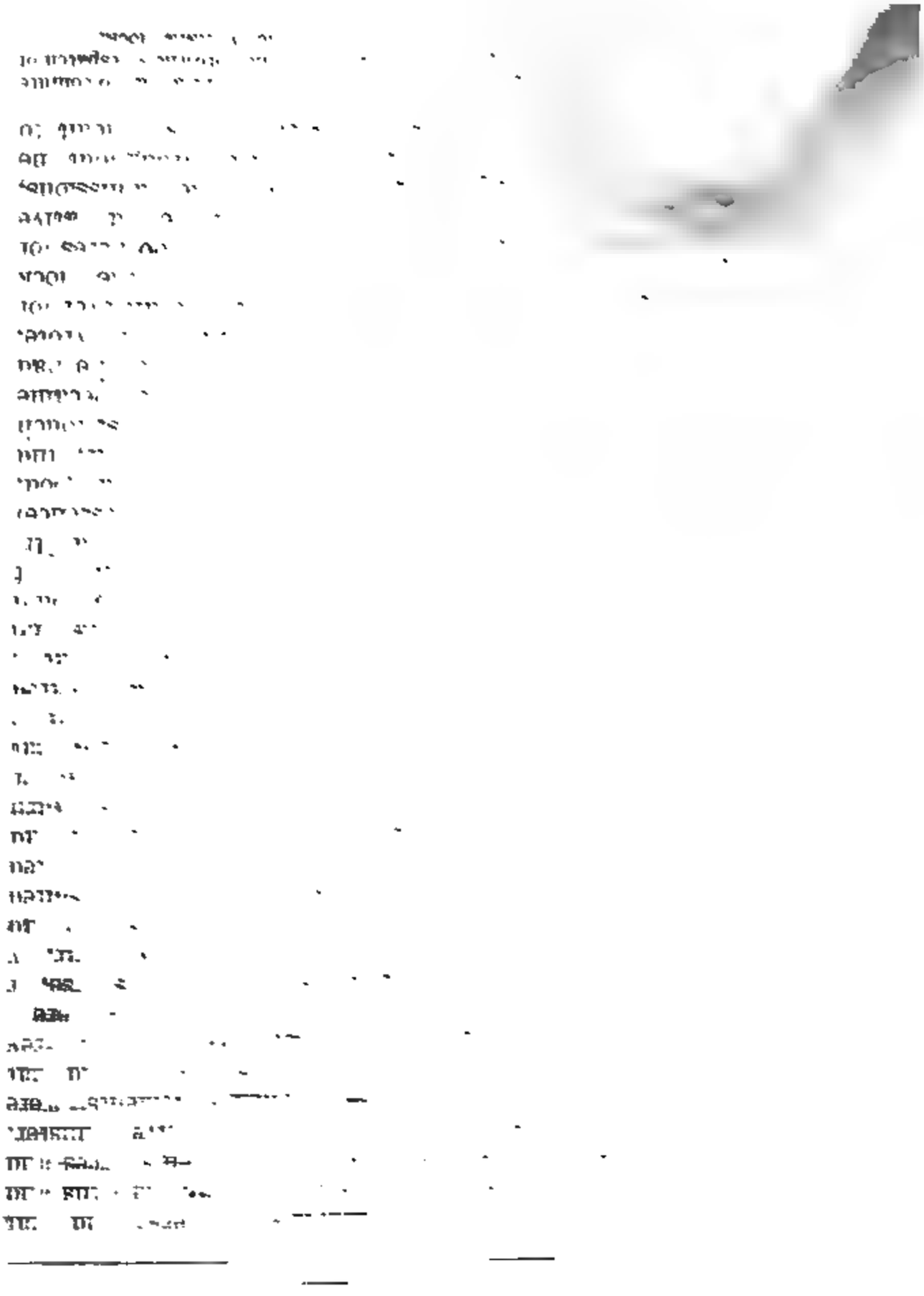
Gorst driven away. While the Maori mind was seething with apprehensions about the Waikato River, Rewi sent eighty armed Ngatimaniapoto under Aporo, the orator who had confronted Fox, to destroy the Pakeha newspaper. He himself held aloof, about 300 yards from the school-buildings. Mr. Gorst was absent when the band arrived. Within the enclosure they had prayers, were stirred by a speech from Aporo, and then broke open the building in spite of the resistance of Pineaha, the Maori teacher. Everything belonging to the printing-office was seized, and placed on two drays brought for the purpose. Taati and Te Oriori, hearing of the outrage, hurried to the spot from Rangiaohia, and asked if Te Whero Whero's words, "Be kind to the Pakeha," were forgotten. Matutaera's were the same. Hone Ropeha replied that he would trample on the king's words. Taati called for writing materials and took down the words. At dusk Taati returned to Rangiaohia, telling the schoolboys to inform him if further violence should be offered. The invaders camped in the printing-house and on the road, and set a guard. Mr. Gorst returned at eight o'clock in the evening. The late Fellow of St. John's was in a situation which might curdle the blood of some men. His wife was at this remote dwelling, already in the power of a man whom Mr. C. W. Richmond had called "an essential savage, varnished over with the thinnest coating of Scripture phrases"—for Te Rangitake, whose pah had been ravaged by the government, was on the spot with Rewi. But Mr. Gorst was undaunted. In the morning, chiefs arrived from Rangiaohia, and all day discussion lasted. Rewi was blamed for his conduct. Mr. Gorst was sent for, and Aporo told him to leave Awamutu. He declined. Rewi was unyielding, and all that the Rangiaohia friends could procure was a respite for Mr. Gorst until orders from Sir G. Grey might arrive. Taati and Te Oriori entered the house to ensure the safety of Mr. Gorst and his family, while Rewi's guards surrounded it. Then, through the intervention of a missionary, it was agreed that Mr. Gorst should ask the Governor's permission to leave Te Awamutu, Rewi surlily saying that if the Governor allowed Mr. Gorst to remain he should die. Mr. Gorst agreed in writing to ask for leave to go, and Rewi wrote

[illegible] remove him in three weeks." The [illegible] negotiations, the effect of the notice by [illegible] they said they [illegible] the Legislature. On the [illegible] instructed by Mr. F[illegible] family and other European [illegible] that remaining at Te Awamutu [illegible] manner in life. Mr. Bell went [illegible] similar nature [illegible] The king-maker arrived at Rangi[illegible] of Rewi's proceedings. He to[illegible] that Rewi was obdurate, and [illegible] better leave. The king-maker persuaded [illegible] but Sir G. Grey had said he [illegible] and when the king-maker looked [illegible] digging was going on, he thought Mr. [illegible] some of the spades. Yet he wou[illegible] Rather he warned Mr. Gorst abo[illegible] if the king could not control Rewi [illegible] already fallen. "I think," he wrote, [illegible] this, but Te Waharoa does not lose [illegible] argument. It was pitiable to see a man [illegible] character with so base a part to play." [illegible] permission to leave, if needful, Mr. Gorst [illegible] maintain himself in his post. The Governor [illegible] Native Minister's instructions, but took no [illegible] letter of Rewi, who was told that the Governor [illegible] understand his proceedings, but did not wish Mr. [illegible] by his blade. Rewi replied it was well that the Governor had said Mr. Gorst should go. But Gorst [illegible] willing to abandon his post. He went to Ngaruawahia [illegible] April). He wrote his narrative from the printing-[illegible] the "Hokioi," the Maori newspaper. On the 14th [illegible] demonstrated with the runanga. He was told that the [illegible] words about digging round the king, the Kohe-[illegible] building plans, the pulling up of the boundary-post at [illegible], the court-house at Awamutu, and the articles of the [illegible] were reasons why he should leave Waikato. [illegible] that nothing could justify expulsion from his [illegible], and asked who would drive him away. "Who

join in the deed?" he said. "All Waikato." "Who are all Waikato?" Herewini pointed down the river, waved his wand round the horizon, and said, "From Tongariro to the sea all have agreed." Mr. Gorst denied that Matutaera or Waharoa had consented. On the 15th, Matutaera wrote his decision as follows: "I said to Rewi,—O Rewi! leave these days to me; bring back all the property; let none be lost. I do not say that Mr. Gorst shall stay. He must go." On the 17th, the printing-press was returned, and Mr. Gorst was at Auckland a few days afterwards, some of the scholars following him. The king-maker wrote a sorrowful letter, regretting Mr. Gorst's expulsion without cause. The king's sister, Te Paea, undertook to guard the premises against intrusion, and Rewi promised to respect her pledge. Rewi was now in the ascendant; and the king-maker vainly deplored the rage for war which coursed through the violent Ngatimaniapoto. An armed band of 200 of them marched to the Taranaki district on the 18th April. A letter from Patara (editor of the "Hokioi") to Tamati Ngapora (27th April), lamented the expulsion of Mr. Gorst and the contempt of the Ngatimaniapoto for the king's authority. Rewi even demanded that Te Ia should be given over to him to work his will upon, but this the runanga successfully opposed. Strife was at the doors of all dwellers in the northern island.

Until the day on which Governor Browne's seizure of the Waitara was approved by the Duke of Newcastle the Maori race venerated the justice of the Queen. Sir G. Grey could not restore their confidence. He went to Taranaki on the 4th March. He had waited until his military road to Waikato was completed, because Auckland without that road was deemed indefensible. He professed to love peace while preparing for war. He resumed without opposition the Omata (12th March) and Tataraimaka (4th April) blocks at Taranaki. He instituted inquiries about Waitara which should have preceded the occupation of Tataraimaka.

Lieut. Bates (65th), Interpreter to the Forces, reported (10th April), with the assent of Mr. Carrington, who had been surveyor in the province for twenty-two years, that far from being under the control of Teira in 1859, the block had contained two pahs inhabited by two hundred residents,



conceive," they added, "that if these facts had come out clearly at the time of the sale, the practice universally followed, as far as ministers are aware, in all purchases of land in New Zealand from the foundation of the colony, viz. that of reserving the pahs of resident natives, together with their cultivations and burial-places, would not have been adhered to in this particular instance."

A heavier indictment could hardly have been framed against the government of 1860. The facts called new in 1863 had been put forward from the first. Bishop Selwyn's and Martin's demand for inquiry, if not spurned by Stafford, Richmond, and Bell, would have proved the truth.

Sir G. Grey (22nd April) thanked his ministers for their acquiescence as to the reserves. He recommended that the purchase should be abandoned, and a notice issued in the following terms: "The Governor directs it to be notified, that from the facts now come to light, and not before known to him, he does not think that the purchase of the block of land at Waitara is either a desirable one, or such as the government should make; that his Excellency therefore abandons the intention of making this purchase, and forfeits the deposit of £100 which the Government has made on this land." He told his ministers "that the country was in such a state that he felt by no means confident that this act would quiet the minds of many of the Maoris. On the contrary, he thinks it may now be impossible to avoid some collision with them; but he believes it would at once win many over to the side of the Government; that it is a proper act, and that, if a contest must come, the closest scrutiny either in England or in the colony would result in an admission that every possible precaution had been taken to prevent the horrors of war." Unhappily, the restitution of the Waitara had been deferred until he had given offence at Tataraimaka. Nevertheless, if his ministers had been prompt, the restitution might have averted war. But they consumed more than a week in drawing up objections to the Governor's proposal. The facts appeared indisputable, having been voluntarily communicated to the Native Minister by Teira himself. "Ministers conclude with his Excellency that the (Stafford) government was not aware of them." They would not,

with the facts before them, recommend a similar purchase; but the rod of the Assembly was over them. They consented to renounce the pahs and reserves around them, but shrank from abandoning the remainder of the land. "Nevertheless, considering the great complexity of the whole case, the difficulty of the Governor's position, the critical state of the colony, and the aggravation of all these evils which might be produced by the opposition of the ministry to any course which the Governor might feel compelled to adopt," they would leave the decision with his Excellency, and assist him in carrying it out. On the 30th April they handed their tardy reply to the Governor. He answered on the 2nd May. The ministry had said that the Native Minister was of opinion that the proprietary right of the sellers to the greater part of the block would be found valid. Sir G. Grey, anxious (he said) to make no mistake, asked at once for the evidence taken by Mr. Parris. The Native Minister replied that there was none except in the published letters and reports. "I ask in vain for evidence," said the Governor, "and none can be produced." On the 4th May, he again urged the abandonment of the block. Precious time was lost in conferences. Mr. Bell went to consult with Teira and some of Te Rangitake's friends on the 4th May; and while doing so heard, from the Governor, of murders committed on that day by Maoris at Oakura, south of Taranaki, where the Governor had already taken possession of the Tataraimaka block. At a later date (April, 1864) there was found in a captured pah[13] a letter from Te Rangitake to other chiefs, saying (1st Feb.): "If what the Governor says about Waitara is satisfactory there will be no difficulty about Tataraimaka. The sufficiency of what the Governor says must be this,—the giving back of Waitara into our hands, and then it will be right about Tataraimaka." How far the writer could have influenced his countrymen may be a matter of conjecture. It is not certain that, if the ministry had joined in restoring the Waitara, the reclamation of Tataraimaka could have occurred without provoking war. It is certain that their obstructions tended to create it. One ministry directly

[13] "History of Taranaki," p. 239. B. Wells. 1878.

brought about the war of 1860. Another indirectly ensured that of 1863. Sir G. Grey cannot be altogether absolved, for though the ministry impeded the abandonment of the Waitara block, it can scarcely be contended that it was out of his power to delay the resumption of the land at Tataraimaka. To follow the negotiations is a melancholy task, like that of tracing the body of a wounded friend by his blood.

The Governor's despatches tell his own remorse. Reporting the murders he said (5th May):—

"I fear that I cannot now prevent war by acting in the manner I believe justice required in regard to the land at the Waitara. I take great blame to myself for having spent so long a time in trying to get my responsible advisers to agree in some general plan of proceeding.[14] I think, seeing the urgency of the case, I ought, perhaps, to have acted at once without, or even against, their advice; but I hoped from day to day to receive their decision; and I was anxious, in a question which concerned the future of both races, to carry as much support with me as possible; indeed, I could not derive its full advantage from what I proposed to do unless I did so."

On the evening of the 5th May, the ministers earnestly consulted with him. Then, too late, they agreed to withdraw the troops from Waitara; to hold a meeting of the Ngatiawa at the place, and proclaim the abandonment of the block, and an amnesty for all offences connected with it. On the 6th, Sir G. Grey had an interview with native chiefs (amongst whom was Horiana the daughter of Te Rangitake), and paved the way for their reconciliation with the friends of Ihaia. On the 7th, Lieut. Bates met other chiefs, including Teira. For seven hours he prolonged the conference, and reported it to the Governor. On the 8th, the Governor declared his "decided opinion that the government should forthwith announce in terms which the natives cannot misunderstand—that from facts

[14] Mr. Fox disingenuously concealed the delays caused by the ministry. Fresh from his post as minister he said ("The War in New Zealand," 1866): "By one of those unfortunate errors which are apt to befall those who are too much given to diplomacy, Sir G. Grey, for some unexplained reason" (having decided to give up Waitara and retake Tataraimaka), "reversed the process; without even giving a hint of his intention to surrender Waitara, he sent soldiers to occupy Tataraimaka." Yet Mr. Fox had before him (when he wrote these words containing something more than "an unfortunate error") the Parliamentary Papers, English and Colonial, quoted in the text, and cited in 1864 by Mr. Gorst in his book "The Maori King."

recently come to their knowledge, they will not proceed further in the purchase of the land at the Waitara—that the government does not claim that block of land, or assert any right of property in it." Teira ought to be liberally treated. "The Governor would earnestly press that no time should be lost in taking positive steps in these matters."

The ministry had learned the value of promptitude. They replied on the 8th:—

"It is evident from the despatch of the Duke of Newcastle, received yesterday, that the Imperial government still maintain the opinion that the Waitara was 'a settlers' war.' It is in vain for ministers any longer (in the midst of difficulties which require instant action) to contend against this view; it only remains for them to avoid the possibility of any war being renewed on any grounds that would admit of that assumption as to its character and origin, which would be the case were war to be renewed at Waitara. Independently of this consideration, the imminent danger of a general insurrection, if any fighting whatever takes place at the Waitara; the exposed position of the other settlements . . . make it absolutely necessary to withdraw from any risk of a collision at the Waitara. This can only be done . . . by the adoption of the Governor's proposal in his minute of to-day, and ministers therefore concur in that proposal."

He hardly gives at all who gives too late. Had the ministry on the 22nd April agreed to the issue of the notice put before them by the Governor, all might have been well. It was improbable that, in face of so dramatic and unforced an act, the Maoris would have directed an outbreak without previous discussions. In their cry of distress, the ministers revealed the motives of their final concession. The need of military aid, and the imminent danger at other settlements, extorted from them what no appeal to their sense of justice could procure. Their consent was hardly in his hands, when on the same day Sir G. Grey met a number of chiefs, of whom Ihaia was one. They had agreed to a re-union of the tribe at Waitara. The Governor announced the abandonment of all claim to the block. He renounced the purchase, as he believed Governor Browne would have renounced it, had he known that to complete it more than 200 residents would have to be evicted. Nevertheless, in order to keep faith with Teira, the money promised would be paid, though not for the land. The land would revert to whatever its former ownership had been. The chiefs declared his words to be good. One wanted to know whether judgment in favour of Te Rangi-

take was implied. The Governor said he gave judgment for neither party. The invariable rule was not to turn off any residents in buying land. "Let all who lived there come back in peace if they choose." The chiefs said: "We are now saved," and despatched a messenger, with the Governor's words, to Mataitawa, where Maoris interested in the Tataraimaka block were assembled. There were discussions between the Governor and his ministers, and nocturnal meetings with them and the General, before the troops were withdrawn on the 13th May. On the 11th May, by proclamation, the claim of the government to the Waitara block was renounced, with the advice and consent of the Executive Council. Mr. Dillon Bell, whose pen was employed by Governor Browne to justify the rape of the Waitara in 1860, as a minister confessed its injustice in 1863.

The resumption of Tataraimaka remains to be told. On the 12th March, forces under Colonel Warre (57th Regt.) occupied, without opposition, the Omata block, amidst indications of goodwill on the part of the Maoris. On the 4th April, the Tataraimaka block was similarly occupied, and when Sir G. Grey left it, on the 6th April, natives formerly hostile were arranging for sales of potatoes to the troops. Then followed messages to and fro among the Maoris as thickly as they were flying between the Governor and his ministers at the same time about the Waitara. Meanwhile it became known that Rewi had told the Taranaki men to fight.[15] Mr. Gorst heard that Rewi alone was responsible for the order. Howsoever the order had been given or supported, it was plain that war was at the door. The tardy renunciation of the block at Waitara had made nugatory, for the existing emergency, an act which was laudable as a tribute to justice. No Englishman except the much-reviled Fitzroy seemed to touch the Waitara question without crime or blunder. Donald McLean would not risk his position in a contest with C. W. Richmond, whom, after abandoning Sir W. Martin's counsels, Colonel Browne delighted to honour. Parris bowed down before

[15] Rewi said in the author's hearing, many years afterwards, that he wrote—"Fight these people, but in fighting them fight in a civilized manner, and do not torture them."

the same idol. Private letters from an active and powerful superior were irresistible. Parris exhausted his virtue in protesting against "the peremptory plan" of Mr. Turton to rob Te Rangitake, and became a ready tool in carrying out the peremptory and "carefully chosen" plan of Mr. Richmond. Sir G. Grey instead of obtaining the consent of his ministers to the restoration of the Waitara block, and, at the least, making its restitution contemporaneous with the resumption of Tataraimaka, occupied the latter before investigating the facts connected with the former. His ministers were "amazed," on the 11th April, at the facts made known to them; and yet not until the 30th April did they consent, with reservations, that justice might be done if the Governor should choose to do it. To the Governor's proposed proclamation (22nd April) they would by no means consent. The Oakura murders and a despatch from England converted them; and they did on the 8th May what they had refused to do in season. Mr. Fox's insinuation that the delay in the abandonment of the Waitara arose from "one of those unfortunate errors which are apt to befall those who are too much given to diplomacy"—and Mr. Fox's silence about the protracted contention between the Governor and his unwilling ministers—proved the contagiousness of error in the matter and deceived some persons.[16]

The consequences of the blunders of 1863 require to be told.

It has been seen that Mr. Gorst was deemed to be in danger at the hands of Rewi in April, and that the Governor and his advisers had before them the erection of the Maori boundary-post at Maungatawhiri, the casting of timber into the river at Kohe-kohe, the expulsion of Mr. Gorst, the resumption of Tataraimaka, and the abandonment of Waitara. On the 4th May, a military prisoner was being escorted to Taranaki. Lieut. Trajett and Assistant-Surgeon Hope, of the 57th, going to town on private business, travelled with them, making the party eight in

[16] In the "Life of Bishop Selwyn" (London: 1879), the author says that Sir G. Grey, "when he heard of the murder, said: 'Now I must give up the Waitara.'" The accepted untruth has made it necessary to record the dates minutely.

number. At Oakura, between the Tataraimaka and Omata blocks, they were fired on from an ambush, and at the first volley all but one or two were dead or mortally wounded. Then their heads were brutally cut with tomahawks. When resuming the Tataraimaka block the Governor had been informed that it would cost nearly £20,000 a year to hold it against hostile Maoris. As there were only twenty owners of the 4000 acres composing it, he persuaded his ministry to purchase their rights. Mr. Brown, the Superintendent of the province, undertook (21st April) to propose, but not to support, the necessary Bill. The Provincial Council rejected it. Mr. Brown argued that no coercion ought to be attempted "till it was shown that the owners either refuse to sell by arbitration, or ask a price for their land greater than it would be worth if it could be occupied in security." In other words, the wrongs done by Governor Browne, and imputed by Mr. Fox to the instigation of Mr. C. W. Richmond and some Taranaki settlers, were to be maintained, and the sufferings they entailed were to be redressed by the general government; and the Provincial Council was to afford no aid. A petition to the Queen from the inhabitants of Taranaki declaring the compensation voted for them inadequate, was drawn up in March. Sir G. Grey transmitted it to England (16th May), with a minute by his ministers which showed that out of £200,000 voted for the general good at Taranaki, £120,000 were apportioned for compensation, £80,000 were retained for purposes of reinstatement of the province, and the province was enabled by local enactment, assented to by the Governor, to raise £50,000 by loan to meet claims for losses which the apportioned sum of £120,000 might be insufficient to meet. In a minute by the Governor at Taranaki (March, 1863), consenting to the arrangement of the loan, he said:

"The great difficulty in my way is that the language of some few of the settlers has been such, in their efforts to force on a war, and in my opinion still continues to be such, that I fear it may be thought if the government adopts the course I recommend that it will be believed by the persons I have alluded to that we have conceded this point of compensation in consequence of the system of intimidation pursued towards myself and the government, and that this fancied success may lead to increased efforts to force me into a war with the natives. Still I would do what is right and meet firmly the evil I anticipate."

When consenting to Grey's policy about Waitara, the ministry referred to a despatch from the Duke of Newcastle as the turning-point which made it hopeless for them to contend any longer against the view that the Taranaki war was a "settlers' war." In the turmoil of events they found time, while at Taranaki, to deal with the subject of colonial responsibility, discussed by the Duke of Newcastle. "The Imperial government acknowledged no indefinite obligation" to pacify the country, as seemed to be locally demanded. A diminution of the Imperial forces was to be expected, and the placing of the management of native affairs under the control of the General Assembly was sanctioned. The Treasurer, Mr. Reader Wood, was with a colleague at Auckland, and shrunk from paying over the large unpaid portion of the £120,000. In view of the additional forces asked for, and the probability of war, they thought they would not please the Assembly, nor comply with the Loan Act, "nor with financial prudence, if they were to assent to the distribution of any portion of the fund at the present time, by way of compensation to the Taranaki settlers." Though Mr. Domett and Mr. Bell (at Taranaki) agreed with the Governor, they would not take the responsibility of over-ruling their colleagues, and the sum in question, £90,000, was not paid. It was agreed in June to pay interest upon it to the distressed Taranaki settlers until the Assembly could consider the subject. The Taranaki Provincial Council had in the meantime passed their own Loan Act for the sum of £50,000.

The Duke of Newcastle in a separate despatch expressed confidence in Sir G. Grey, and explained that he had not meant in any manner to impair his power of usefulness. It was with the colonial government and legislature that he found fault. On the 14th May, with almost a certainty of war before them, the ministry drew up a paper referring to the resolutions of the representatives in Aug., 1862, on administration of native affairs. They declared that personal communication between the natives and the Governor was most important, that to it the natives looked for guidance, and that while Sir G. Grey was in the country the system must continue. Responsibility must

thus be divided, the Governor being answerable to the Crown and the ministers to the Assembly. The position was admittedly anomalous, and practicable only where confidence was mutual. Sir G. Grey (16th May) complimented his ministers, but reminded them that when, to meet the supposed wish of the Assembly, he had handed over responsibility for native affairs, the Assembly repudiated the arrangement. Nevertheless the Native Department had remained under the control of the ministers; and "he had consequently never been able to act in native matters with that vigour and promptitude which he believed essential to successful administration." If such had been the case under Mr. Bell, what might have been the result with a Native Minister less able and less acquainted with native affairs? Feeling strongly

"the great evils resulting to both races from the present system, in which all power rests really in the hands of his ministers, whilst responsibility rests upon himself, and that there can consequently be no rapidity of decision or vigour of action in native affairs in this most important crisis of the history of the colony, the Governor begs ministers to accede to the advice of Her Majesty's Government by acting on the principle that the administration of native affairs should remain as it now is with them, and that the Governor will be generally bound to give effect to the policy which they recommend for his adoption and for which they will be responsible." (The plan would) "simply give ministers, who have now all the real power, the means of using that power vigorously and promptly, whilst their rapidity of decision and action must necessarily be quickened by the sense of the great responsibility that will rest upon them."

He would assist them to the best of his power. The ministers admitted the Governor's accuracy, and, learning that in his opinion the system worked badly, were ready to concur, until the next session, with any agreement whatever to meet the crisis. But they considered themselves precluded by the resolutions from accepting the position in which the Duke of Newcastle wished to place them. If in time of peace the Assembly refused to take the direction of affairs it could not be supposed they would do so when war was imminent. Sir G. Grey (20th May) did not think the resolutions precluded the ministry from assuming responsibility. The Assembly would treat with generosity all who assumed responsibility at such a crisis.

"Ministers must allow some latitude of expression to the Governor at the present moment when life, property, wives, children—all that men

hold dear—are in imminent peril over a large extent of country." He had hoped that the ministers would have suggested some plan. As they threw the task upon him, and not a moment was to be lost, he would urge that to the administration of native affairs should be added the "control of militia and volunteers, of the local forces of every kind, of the funds voted for public purposes, of the post office; in fact of nearly every Government establishment in the country. At the present instant, which he believes to be one of as great public peril as he has ever known, the Governor thinks that whoever is to govern the country should be armed with every power which the State confers on those who rule it." (In such a crisis those powers should be increased. Men must rise equal to emergencies.) "The ministry can in a moment assume these powers; they virtually have them now. They are the constitutional depositories of them, and the Colonial Secretary (Mr. Domett) is the person upon whom properly the chief direction and responsibility should rest. If ministers will not assume what the Governor believes to be their duty, and exercise these powers, and take that responsibility which goes hand in hand with power, then the Governor thinks they should under present circumstances relinquish them to him until the Assembly meets. The Governor thinks that ministers will excuse him for pressing this advice upon them; but his doing so at this critical time is a necessity of the position of responsibility in which the General Assembly and ministers have, against his will, placed him."

The ministers then at Taranaki postponed till a more convenient season their reply to this appeal. They had to consult their colleagues in Auckland. It was impossible, Domett wrote, "to convey to his Excellency at that moment any expression of the opinion of ministers as a body." But while avoiding what he called "the theoretical question of responsibility," he submitted to his colleagues a long minute (23rd May) recommending that militia should be called into active service in the northern island. The Taranaki militia (500) cost £36,500 a year; and while the Otago goldfields attracted labourers, the militia pay (2s. 6d. per day with rations), could not be reduced, but perhaps would require augmentation: but the House of Representatives "had not voted one penny to meet the expenses attending a state of war." Active operations by the military were required to convince the Maoris that it was to their interest to be at peace, but many more troops than were in the colony would be required to secure "chance of success." It would be a bad example to abandon the Tataraimaka block, but if preservation of other settlements required the sacrifice, a bad example could not be helped. Thus did Mr. Domett argue. Mr. Bell thought the force in the country insufficient for offensive operations,

and the calling out of the militia useless. The Governor replied on the following day. Ministers appeared to think that the necessity to call out the militia and volunteers depended on whether aggressive movements were to be made or a defensive position maintained. He could not concur in his opinion as regarded Auckland. An aggressive movement would probably create a general rising, and certain settlements ought to be made secure before making any aggressive movement. He submitted that it was needful, not to determine what should be done for the defence of the colony in the event of a general rising, but forthwith to take such active measures as might probably prevent such rising, and place the colony in a thorough state of preparation, thus encouraging friends, disheartening enemies, and placing Europeans in security. He was bound to express this opinion, for he had asked for large reinforcements, and would find it difficult to justify his having done so unless the colony by corresponding efforts showed its sense of the impending danger.

At a later date, in Auckland, after numerous conferences, the ministry addressed themselves to the question of the rejection by the Duke of Newcastle of the resolutions of the Assembly. In ordinary times there would be but one course open, viz., to convene the Assembly. But imminent war precluded debates. Ministers could not attend to departmental duties and prepare measures in such a crisis. Waiving a permanent settlement, ministers would temporarily accept the following position. The Governor had recently told the Executive Council—that the Taranaki question could not be settled while Waikato was the centre of disaffection, and Auckland was in danger of invasion; that, by concert with the General, the Governor's attempt to arrange affairs at Taranaki was tentative; and that, in case of interference by the Waikatos at Taranaki, Auckland was not to be jeopardized, but the forces were to return thither, and, after the Waikato tribes had been brought to terms, affairs at Taranaki were to be put in order. The Governor's plan was to make the southern bend of the Waikato river a line of defence, with military posts on the north bank and armed steamers on the water; to guard the line between the bend of the river and the Hauraki Gulf

with fortified posts, and the Gulf by a steamer; afterwards to throw forward military posts and occupy Paetai and Ngaruawahia, where another steamer was to be stationed. Hostile natives within the line of defence were to be banished, lands of hostile Waikatos were to be confiscated; portions being given to military settlers, and the remainder sold to defray expenses. Militia and volunteers were everywhere to be called out, and confiscation was to follow hostility at other settlements.

The ministry (24th June, 1863) concurred in these plans, and were willing to accept responsibility for their adoption, on the understanding that they would be carried out as a whole, the colonial funds bearing all the expense of militia and volunteers. They thought notice should at once be given, that lands of natives taking arms against the Queen would be forfeited, and they anticipated the approval of the Assembly. Sir G. Grey pointed out that the ministers had left untouched the general question of responsibility, and the relations of the Governor to his advisers. He forbore to press it at such a time, thanked them for their hearty co-operation, and hoped that the General Assembly would be called together as early as the public good permitted, in order that he might be legally invested with powers which he was temporarily forced to assume under heavy responsibility. These documents were laid before the Assembly (19th Oct.), and, if translated for the Maoris, must have shown them that, while professing peaceful desires, the Governor and his advisers were intent upon war.

With concurrence of his advisers, the Governor had applied in May for reinforcements. Though a battalion of the 18th Regt. was expected, 3000 more soldiers were needed, and, in accordance with opinions of officers who had served in India, two regiments of Sikhs and one European regiment were asked for from India. The ministry would propose that the colony should bear the cost of the whole of the pay of the Sikhs. Meantime, the Maoris were not idle. The tardiness of Domett and Bell weakened among them the effect of the renunciation of the Waitara purchase. A chief declared: "When Governor Grey heard his men were killed at Oakura, his heart misgave him, and he said, 'Now I

must give up Waitara.'"[17] Grey meanwhile laboured to prevent friendly tribes from falling from allegiance; and Rewi and his friends stirred them to contrary conduct. In Waikato there was confusion. No property was seized, but all Europeans were compelled to leave. The Maori newspaper, the "Hokioi," had been discontinued. There were many rumours as to the intentions of the tribes. The Ngatihaua advocated peace. Renata, at Hawke's Bay, said: "We can see clearly the error of our native tribes in slaying the Pakehas at Tataraimaka; but, at the same time, we cannot lose sight of the error of the Governor in not making known his decision about Waitara at the proper time. Waitara was the source of evil. The root and source should have been made clear before following up the branches (Tataraimaka)." The tribes on the Thames and at Rotorua condemned the murders and sympathized with the Governor. The Ngapuhi, under Waka Nene, were staunch as ever to their Queen. The Civil Commissioner, Mr. Clarke, reported that during forty years' residence in New Zealand he had never known such a burst of loyalty as was manifested by the Ngapuhi after the murders.

At four o'clock on the morning of the 4th of June, the Governor left Taranaki in H.M.S. "Eclipse." At nine o'clock on the night of the 3rd, General Cameron had marched by land to a concerted attack on the rebels at the Katikara river. The "Eclipse," on her voyage, took part in the action. Protected by the fire from the "Eclipse," and of Armstrong guns served by the Royal Artillery, men of the 57th, 65th, and 70th Regiments (the land force being 771 in number) crossed the river gallantly in spite of fire from rifle-pits and redoubt. The General witnessed the desperate resistance of the enemy, and the rush of the soldiers as they entered the work and shot or bayoneted all the Maoris left within. Twenty-eight were found dead in the redoubt. The English loss was three killed and eight wounded. The flight was precipitate, and the "Eclipse" threw shells on the fugitives as they ran. The General praised all the officers and civilians engaged.

It was essential to ascertain how the Oakura massacre

[17] Such a conclusion was natural in the mind of anyone ignorant of the correspondence between the Governor and his ministers.

[illegible] Maori king. Mr. Rogan, an officer of [illegible]ment, essayed the dangerous task of [illegible] After repeated stoppages, he reached [illegible] though he did not see the king, he [illegible]ions of others. The king-maker boldly [illegible] Taraimaka murders were wrong. Rewi [illegible] not murder, but the re-establishment of [illegible] was rumoured that there was vehement [illegible] them. It was said that Rewi wished to [illegible] near Auckland—nay Auckland itself—[illegible]r and General Cameron were at Taranaki. [illegible]verred that his advice was, that Sir G. [illegible] fairly if he respected the boundary at [illegible] that if he crossed it he "should be met [illegible]rst declares that the king-maker went [illegible]isit Waata Kukutai, the Queen's magis-[illegible] time had arrived for all who loved peace [illegible]sure it. "The members of the govern-[illegible]n Auckland, did not like Te Waharoa. [illegible] knew him personally, and it was the [illegible] him insincere. No encouragement was [illegible] held out to him, nor were any negotiations [illegible] He was left to struggle unaided against the [illegible] which the acts of government had let [illegible] was the verdict of an intelligent eye-witness, [illegible] expelled by Rewi from Te Awamutu, and [illegible] towards the Maoris. But rumours [illegible] attack upon Auckland were revived. The [illegible] governor and his advisers were not calculated [illegible]. With them, indeed, was the choice of [illegible] the Maori king was unpledged to violence, [illegible] doomed too astute to commit himself to war [illegible]. Moreover, it was always the desire of a [illegible] the responsibility of a quarrel until his [illegible] had put himself in the wrong by some act which [illegible] as tā-kē, or just cause of war.

[illegible] went to Auckland and talked to the [illegible] the Maori king. The Governor told him [illegible] an hour in Auckland he should be put [illegible], the ringleader of the attack on the [illegible] being in Auckland on private business, was

arrested and committed on a charge of felony. Mr. Gorst, his former victim, tells the tale with shame. There was never, he says, any *animus furandi*, yet the Auckland jury found the undefended prisoner guilty, and he was sentenced to two years' imprisonment for theft. Mr. Gorst says: "It was expected, and I am sorry to say hoped by many that either the dismissal of Nera or the seizure of Aporo would so enrage the Waikatos that they would attack us; but they remained steady to their original resolution that the Pakeha should begin the war." He who was called savage did not allow himself to be provoked by the lawlessness of him who was called civilized. But, prophetic in apprehension, the Maoris removed to a more distant resting-place the bones of their ancestors, buried at Onehunga.

On the 16th June Archdeacon Maunsell, while transmitting Maori letters written in alarm, told the Governor that he had received indisputable information that at that date the Maori king and Te Waharoa were desirous of peace. On the 9th July the Governor called on all Maoris living in the Manukau district and thence to the Waikato frontier to swear allegiance to the Queen and to surrender their arms. Those obeying would be protected, those refusing were warned to retire beyond Maungatawhiri under pain of ejection if they did not comply with the Governor's orders. He justified this step by saying it was impossible to leave a disaffected population in rear of the General's forces. Mr. Gorst, Major Speedy, Mr. Armitage, and Mr. Halse were among the persons directed to seize firearms and to administer the oath of allegiance in all Maori villages from Auckland to the Queen's Redoubt on the borders of the Waikato territory, where the Maori boundary existed. On the way to Mangere Mr. Halse met Tamati Ngapora. The Governor's hostile notice was read to the chief. He gravely asked that it might be read a second time. After a short silence he said to the missionary, his host: "Is the day of harvest close at hand?" Yes. "Why were not the wrongs of Waikato first discussed?" Mr. Halse said he could not discuss that question. Ngapora said: "If I have any influence there will be no fighting. I have dear friends amongst the Pakeha and amongst the Maoris. Why are they to be slain? I will not cease to urge that there be

investigation." He crossed the Manukau waters to his abode at Mangere. In the morning Mr. Halse followed him and read the Governor's notice to the Maoris assembled. One by one they intimated that they chose exile rather than submission to the Governor's demands. Ngapora reclined upon the ground. When the views of others had been made known he sat up and said: "Last night I made known the notice without attempting to influence the decision of the people. You have now heard their words. I have nothing to add to what I said last night. We are one tribe, and cannot be separated." He reclined again, and there was general silence. Almost without exception the Maoris abandoned their homes. They took some thought for places held in veneration. When Mr. Halse, after distributing notices on his way, reached Pukahi, the chief Mohi had just gone with Bishop Selwyn to point out a burial-ground, and entrust it, with the native church, to the Bishop's care. When Mohi returned, Mr. Halse announced the object of his visit. "He asked for a copy of the notice. I gave him one, and he read it aloud to the people present. Repeating the decision of his people to go to the Waikato he went into his house, where Bishop Selwyn was seated."

Another chief, Ihaka, was ill, and the exiles paused at Kirikiri. Mr. Gorst considered that the decree of banishment was harshly enforced, and that much property was seized by the colonial forces and by the settlers. Bishop Selwyn, as usual, was active in doing good and restraining evil. At Kirikiri Mr. Gorst, in company with Bell, saw Mohi and the ailing Ihaka. Mohi declared that he had always opposed Rewi's warlike projects, but that as the Governor had passed the Rubicon, he must join his people and live or die with them. That night peremptory instructions arrived from Auckland, under which Ihaka and the infirm, with women and children, were seized. In some manner, never explained, Mohi escaped with the able-bodied.

Tamati Ngapora's departure was dramatic. He was conducting the service at Mangere in his Maori church when word was brought that left no doubt as to the Governor's intentions. Gravely and silently he put down

his book, and gaining the outer air swiftly shook the dust of Mangere from his feet, and with his people flitted to Waikato. He was too wary to remain within reach of the captor of Rauparaha. His Maori book was found in the church where he left it, and a thoughtful Pakeha secured it with the hope that it might in happier days revert to its owner. The hope was gratified after many years.

Mr. Armitage, who went to Tuakau to serve the notices, was an old resident at Waikato. One chief professed willingness to take the oath of allegiance, but another by threats prevented Armitage from administering it. Armitage wrote: "I have sent notices to several king natives at the Onewhero and Takihakahi to leave that part of the river. I have done so for my own personal safety in passing to and fro between the Ia and Cameron."

On the 15th July another notification, under the Governor's hand, appeared at Auckland, after the General had commenced the war. It imputed a desire for war to the Maoris. Military posts would be established at Waikato.

"I now call on all well-disposed natives to aid the Lieut.-General to establish and maintain these posts and to preserve peace and order. Those who remain peaceably at their own villages in Waikato, or move into such districts as may be pointed out by the government, will be protected in their persons, property, and land. Those who wage war against Her Majesty, or remain in arms, threatening the lives of her peaceable subjects, must take the consequences of their acts, and they must understand that they will forfeit the right to the possession of their lands guaranteed to them by the treaty of Waitangi, which lands will be occupied by a population capable of protecting for the future the quiet and unoffending from the violence with which they are now so constantly threatened."

Dated the 11th July, and carried in Maori language to various places, the notification emanated from the Colonial Secretary's Office on the 15th. The Governor's averments could not disguise the fact that he, and not the Maoris, had committed acts of violence. The threat of confiscation of land supplied the reason. The king-maker wrote to ask the Governor why he had not followed the Maori example. All the Europeans in Waikato had been sent away in safety with all their property. "Why has the property of the Maoris been plundered?—and why have Ihaka and the women and children been taken prisoners?" Before his letter was received blood had been shed.

After the known decisions of Tawhiao's council about the Waikato district, the crossing of the Maungatawhiri and the notification of the Governor were accepted as a declaration of war. On the 12th July, General Cameron crossed the Maungatawhiri with 380 men, encamped at Koheroa, and commenced building a redoubt to command the river and secure his communications. The cutter of H.M.S. "Harrier" and other boats had been carried overland to assist in descending the Maungatawhiri from the termination of the new road. About 30 Maori canoes were destroyed on the assumption that war had begun. The Bishop and Archdeacon Maunsell obtained permission to minister the offices of religion to the army. They hoped to mitigate the horrors of war, and to extend their ministrations to the Maoris. Mr. Meredith and his son, settlers near Drury, were found dead, and no one doubted that the Maoris had killed them on the 15th July. Gloom, if not panic, overshadowed Auckland and the rural settlers. On the 16th, Colonel Murray proceeded at daylight to arrest Maoris. He captured thirteen men, seven women, and eight children near Drury, but the main body of the villagers escaped. On the 17th the officer in command at Koheroa observed the Maoris collecting on hills in front. Five hundred of the 12th, 14th, and 70th Regiments proceeded in skirmishing order to the attack. Firing on both sides ensued, and from recently-constructed rifle-pits the natives were driven in spite of great obstinacy, until they escaped across the Maramarua river by swimming or in canoes. General Cameron, who was in front, thought the Maoris engaged to be 300. More than twenty were found dead. About twelve of the 14th Regiment were wounded, half of them dangerously. On the same day Captain Ring, marching with a convoy from the Queen's Redoubt at Maungatawhiri to Drury, was fired upon. Four soldiers were killed and ten wounded before the remnant of the party could find shelter at the house of one Mr. Martyn, till reinforcements arrived. Some of the Maoris fell. There was more skirmishing on the 22nd. Captain Ring reported: "I lost one man killed, whose rifle and bayonet were taken possession of by the natives, though not without serious loss to them. . . . I remained in the entrenched position till

close on sunset, keeping a steady fire on the enemy, who were endeavouring to obtain the body and ammunition of the private who was killed." Reinforcements arrived, the Maoris drew off, and the body of their comrade was recovered by the English.

Wisely had the Maori king's friends decided that no steamer should ply on the waters of the Waikato. With equal wisdom had Governor Grey determined otherwise. Captain J. C. Mayne, of H.M.S. "Eclipse," took the "Avon" steamer in tow at Onehunga, on the 16th July, and, on the 27th, anchored her at the Bluff, near the junction of the Waikato and Maungatawhiri. Everything had thus been done which the Waikato tribes had opposed. Maoris had been driven from their homes. The Waikato frontier had been crossed. A war steamer had been placed on the river. Not to fight would have been an abject acceptance of slavery, if not of reputation as cowards. The genius of the Maori race was abhorrent of both conditions. Better death with honour than peace with shame. It was believed that among those who fell at Koheroa were many who were loyal to the Queen until her forces passed the Maungatawhiri. They then said: "Injustice is being done, and we must cast in our lot with our countrymen."

And now the long-suffering of the king-maker was exhausted. He announced his intentions to his old friend, Archdeacon Brown, on the 25th July:

"Salutations. Friends, hearken. The reasons were many that induced me to consent to view the work between the Waikato and the Governor. This is a word of mine to let you know my views. I shall spare neither unarmed people nor property. Do not suppose that the Waikatos are wrong and the Governor right. No; I consider that he is wrong. The faults that I have seen are—1st, I said to him, Leave these years to me, do not go to Tataraimaka; leave me to talk to the Ngatiruanui; do not persist, that tribe is still hostile. It was Governor Browne who taught them. That hot-tempered Governor said that all the land over which he had trod should be his, *i.e.*, Waitara. The Taranakis then said with regard to Tataraimaka, Very good; and we also will hold the land over which our feet have trod. Governor Grey, however, did not agree to my proposal. 2nd. The Governor persisting in Mr. Gorst staying as a magistrate in the midst of the Maoris. I said to Mr. Gorst, 'Go back, the Maoris do not want you.' But the Governor still persisted in sending Mr. Gorst. Now, it appears it was for the purpose of provoking a war that he persisted. 3rd. The taking up of the post at Maungatawhiri. 4th. The unwarrantable conduct of the soldiers in driving the Maoris off their own land at Pokeno. 5th. The 'ma-te' (defeat or) death of the Waikatos you

be forfeited by the act of a few, or even of many. But plunder was required. There were gathered in the Middle Island thousands of gold-miners, a restless and unsettled class. Many of them, the ministers thought, "were tired of the digger's life, and only required inducement of liberal terms to settle in the northern island." Thus an eager band of fighting men might be found. The Maori love of ancestral homes and the earth-hunger of a northern horde might be fastened intensely on the same spot. The wild animal of the forest and the European trained hound might quarrel over the same bone. *Væ victis!* Scrambling for the "damned earth, the common whore of mankind, that puts odds among the rout of nations," the Pakeha already outnumbered the Maori, and the end was certain. Forty thousand men, presumably fit to fight, had poured into Otago from England and Australia in two years. From them what an army might be made! The Maori would vainly strive to put 1000 men into the field.

To people the Waikato district, the ministry proposed to raise in Australia and Otago 5000 men fit to occupy the confiscated lands. After thus seizing upon Waikato, a similar plan would be adopted at Taranaki. Their advice was dated 31st July, and on the 3rd August the Governor promulgated regulations under which land in the Waikato district would be granted to volunteer militia settlers. In graduated scale lands were granted according to rank; a private having 50 acres of farm, and one allotment of town land. Each settlement was to comprise 100 town and 100 farm allotments. There were stipulations for continuous service for three years, after which ordinary militia service was to be exacted from the new corps. Separate regulations invited military and naval settlers, and settlers generally. Agents were to be sent to Australia to enrol volunteers under agreement.

Meanwhile some colonists were not content to rely wholly on the government. On the publication of the Duke of Newcastle's despatch, so much discussed by the Governor and his advisers, a public meeting was held at Christchurch (Aug. 1863) to consider the state of the northern island. Mr. Fitzgerald advocated an immediate meeting of the General Assembly. Mr. Weld, confessing the difficulty of

speaking after a man who had "earned by common consent the title of the orator of New Zealand," moved an amendment. He denounced Governor Fitzroy. He had no praise for Sir G. Grey except for the "establishment of native assessors." Under Colonel Wynyard he declared that the "degradation of the Government went still lower." Colonel Browne was the "first Governor who ever took the stand which should have been taken from the beginning." Loud cheers greeted this melancholy blunder. "Led by a man like General Cameron," the troops, volunteers, and militia would "never be foiled." He advocated confiscation of lands. His amendments were approved.

While the government were preparing to confiscate the land of the Maoris, the latter appealed to the tribes with an ancient war-song, the same with which the Waikato chiefs had urged the Taranaki natives to action :—

"Red plume, red plume,
Plume of the kaka!
Rehearse it at Kawhia.
Cartridge, one, three, four, O Matamata!
Lay hold, and bring the strong
Eight-stranded cord
That cannot be unfastened.
Grasp firm your weapons!
Strike! Fire!"

Transmitting it to England (31st Aug.) the Governor said there was proof that it had been widely circulated among the tribes.

At Waikanae and at Otaki, Dr. Featherston, Superintendent of the province of Wellington, met the Maoris at their request. He had opposed in the Assembly the rape of the Waitara, and could be heard as a well-wisher to the natives. He dissuaded them from making common cause with Rewi, whom he accused of instigating the Tataraimaka murders. They admitted having received a letter from the Maori king urging them to take up arms. They condemned the Tataraimaka murders, but would not repudiate their king. If the militia were kept away from their districts there would be no disturbance. But they looked with suspicion on the Governor's movements as a prelude to confiscation of lands. Let troops be kept away. They thanked Dr. Featherston for his visit, and some of them supplied him

with reports of their speeches. Heremia said: "If the Governor attacks our king, we shall be evil; don't say this is a murder."

The Duke of Newcastle's response to the application for troops was anxiously looked for. Meanwhile local forces were organized. In October, Auckland was deemed safe. Trees near the great military road were cut down. The available local forces exceeded 3000. At Wellington and Wairarapa there were 777 militia and 419 volunteers. At Hawke's Bay, under Major Whitmore, there were 600 militia, 71 rifle volunteers, 79 cavalry. At Taranaki the whole male population was armed: 605 militia, 214 volunteers. At Wanganui, of a total force of 552, 321 were rifle volunteers. The total in the northern island consisted of 9629 armed militia and volunteors, including 375 men of the Colonial Defence Force. The flotilla consisted of the "Avon" on the Waikato, the "Pioneer" in Manukau, and the "Sandfly" on the Thames. Two smaller steamers were being built in Sydney. Mr. T. Russell, the Minister for Colonial Defence, was warmly commended by the Governor. Desultory warfare continued in August and September. General Cameron reported (15th Aug.) that the Maoris were collecting at Mĕrĕ-mĕrĕ on the right bank of the Waikato river. Farm-houses were attacked between Auckland and Maungatawhiri, where the Hunua forest afforded shelter for the prowling Maoris. Waata Kukutai and Wiremu te Wheoro were commended by the General as valuable allies.

On the 25th Aug., twenty-five men of the 40th Regiment were engaged in cutting down trees on the Great South Road. Their arms were piled by the road-side under charge of a sentry. Suddenly Maoris dashed to the arms, seized them, and commenced firing at the soldiers. A convoy was approaching under Captain Cook (40th Reg.), and its advance-guard engaged the marauders. As the main body arrived and other help was sent from posts along the road, the Maoris, after more than an hour's skirmishing, were lost in the woods. Two soldiers had been shot before relief arrived; only one was wounded afterwards. The enemy secured the arms they had seized, but left one of their number dead. On the 7th Sept., the volunteers

desecrated a native burial-ground at Papakura. Bodies which had been buried long before the war were exhumed for contumely, and graves were rifled in search of green-stone relics.[19] On the 7th Sept., the Maoris surprised a pah at Cameron Town, and captured stores awaiting transport to Te Ia. Captain Swift, with 50 men, started in pursuit, and General Cameron sent 150 under Colonel Murray to support him. After marching some miles Captain Swift's party heard Maoris talking in the bush, and prepared an ambuscade for them by extending on both sides of the track. As the Maoris did not move, bayonets were fixed, and the soldiers advanced. At a turn in the track they were met by a volley, in which Captain Swift fell. Lieut. Butler asked the wounded officer if he should charge. He said, yes; and in the charge Lieut. Butler fell, wounded. Colour-Sergt. McKenna took charge, and firing was kept up for an hour. Three English were killed and five wounded before the sergeant made good his retreat into the bush, where the men lay concealed during the night. In the morning as they made their way back they met Colonel Murray and his men. Captain Swift had died in the evening. Sergt. McKenna's coolness and courage were duly commended by the General. Mr. Armitage, the resident magistrate, who had assisted in expelling Maoris from their homes in July, was killed (4th Sept.) with four others, while transporting supplies. On the 14th, the Pukekohe stockade was attacked. Aid was sent from other posts, and the Maoris were driven off; but two English were killed and five severely wounded. In all these cases the numbers of the Maoris were unknown. At Pukekohe they left six dead on the field. The Maori leaders were adapting their warfare to the qualities of their countrymen, and the nature of their weapons. To dart like a bat from the darkness on the unprepared, and disappear as suddenly, suited them better than to gather hundreds to defend a fortified position. Fighting was not

[19] "The act is a disgrace to our cause. . . . if it be not publicly censured by the authorities the government of New Zealand will be irretrievably disgraced. If the natives had thus desecrated one of our burial-grounds! The bodies were not even the bodies of enemies." (Contemporary MS. by Swainson, the first Attorney-General).

confined to the Auckland district. At Taranaki there were skirmishes. On the 2nd Oct. the Maoris attacked the Poutoko Redoubt, a few miles south of Taranaki. Colonel Warre reported that they were driven back gallantly by the soldiers and volunteers, 300 in number. Nine English were wounded. One action took place of which the importance was hardly known at the time. Major Lyon commanded at the Galloway Redoubt at the Wairoa River, which runs into the Tamaki Strait, about 20 miles from Auckland, and was therefore in the General's rear. The Maoris opened fire upon the stockade (15th Sept.) with slight effect. An attack upon a Maori settlement was made on the 17th. Across the stream at early dawn a detachment of the 18th Regt. poured concentrated fire upon the whārĕs. They did not know that within them was a band of Maoris, who had come to join the fighting; and who, under the volleys poured upon the huts, fell like sheep. The troops, unable to cross the stream, withdrew, unconscious of the effect of their fire. Major Lyon, who made a circuit by a bridge, found the settlement deserted. "The whares," he said, "were riddled with shot, blood in profusion both inside and out. They were unmistakably taken by surprise." In after years, a Maori, who was present, told how extensive was the slaughter thus made by the 18th, who exercised themselves in firing at the huts without knowing how they were occupied. As the wounded and dead were carried away before Major Lyon reached the spot, Otau, he also was ignorant of the severity of the blow inflicted.

Mr. Fox in his "War in New Zealand," censured the Governor and the General for not promptly following up the Koheroa success, but the censure of a civilian is of little value in such a matter. Troops were enrolled in Australia. Mr. Gorst went to Sydney with Mr. Dillon Bell, the Native Minister, to assist in raising the Waikato regiments; and troops were expected from India. It was not until October that the Governor's measures received approval either from the Secretary of State or from the New Zealand Assembly. The request for troops was complied with. Sikhs were not sent, but two European regiments were ordered from India. The Duke of Newcastle was loth to acknowledge that he had sanctioned an injustice at Waitara

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and in the course of the session there was a passage of arms between them and the Governor. The Assembly met on the 19th October, 1863. The Governor told them that from England and from the Australian colonies prompt aid had been promised and given. The admirable manner in which the colonial forces had behaved was commended, and the Assembly was asked to accept the responsibility for native affairs placed upon it by Her Majesty's decision. The Representatives ambiguously received this request "with an anxious desire to settle the question on a satisfactory basis."

in 1860, and elaborately contended that no wrong was intended or done to Te Rangitake. Yet he admitted that the new facts brought to light by Grey were strange, and thought (as Dillon Bell had said) that if Colonel Browne and his ministers had known those facts they would not have made the purchase, which in the Duke's opinion would then have been unjustifiable. He did not blame Sir G. Grey for the delay in abandoning the purchase, though it would have been better if its abandonment had been simultaneous with the reoccupation of Tataraimaka. He thought the Governor right in not shrinking from the abandonment of the block after the massacre at Tataraimaka. He accepted the present revelations as confirming the doubts he expressed in Nov., 1860, as to the propriety of forcibly setting aside Te Rangitake's claims. He did not recall the fact that in spite of his doubts he told Colonel Browne, in the same despatch, that the chief's disloyal conduct had left no alternative but an appeal to arms. On the whole, he seemed more ready to upbraid Governor Grey for doing right than Governor Browne for doing wrong. Sir G. Grey communicated the despatch to his advisers, who (it was alleged by inadvertence) printed it, without consulting him, and gave copies to members of the Assembly then in session (Oct., 1863). He sent to the Duke a memorandum, citing numerous Maori letters. "I regret," he added, "that several misunderstandings connected with the whole of this subject have arisen from the difficulty of the natives making themselves thoroughly understood by foreign authorities, from the figurative nature of their language, from the few persons who understand it well, and from the consequent misinterpretations, omissions, or misprints, which from time to time take place in even the most important documents. I am well aware how great a difficulty and disadvantage your Grace must labour under from this cause alone."[20] It was not likely that the enemies of Te Rangitake would be slow to avail themselves of the Duke's despatch,

[20] As an instance he quoted a document, printed for the General Assembly and sent to England, in which the natives were made to speak of their desire "to retain possession of the *law* handed down to them from their ancestors and father." On referring to the Maori original Sir George Grey found that the word "*land*," not "law" had been used.

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CHAPTER XII.

1863—1864.

STATE OF THE MAORIS.

THE early history of New Zealand is a story of the relations between the Maoris and the English. They form the current which carried with it the hopes and the fears of the visitors, the suspicions and resentment of the tribes. A faithful narrative, in order to depict the fortunes of the colony, must busy itself mainly with the administration of native affairs. On the eve of the struggle—provoked so often and so long by the cupidity of a section of the settlers, and courted by the wilder and more savage among the Maoris—it is good to ascertain the relative forces which could be brought into the field. Though the Maoris were outnumbered by the invaders of their soil they claim first notice. In 1858 they were estimated at 56,049, of whom 31,667 were males, and the remainder females. In the North Island there were nearly 30,000 males and nearly 23,000 females. The total Maori population in the Middle Island was 2283, in Stewart's Island and Ruapuke 200, at the Chatham Islands 510. In 1864 the number was known to be much diminished. Dr. Thomson, the historian of 1859, after careful inquiry on the spot, added his mournful testimony to the rapid decrease of the Maoris. Inattention to the sick; infanticide; sterility; new habits; new diseases; intermarriage with relations—were the causes he assigned. All but the first and second had fallen upon the race after

their intercourse with the Europeans. Four thousand were victims of measles in the North Island in 1854. The musket was supposed to have destroyed 20,000 lives in tribal wars. After contact with Europeans a practice of steeping decaying grain, and making it apparently fit for food, was believed by many persons to have been fatal to thousands. Dr. Thomson attributed the decay of the race principally to marriage of blood-connections. Yet after colonizing the islands with the freight of a few canoes the Maoris had multiplied largely, and it was only after intrusion of foreigners that they declined to less than 60,000. The high authority, Mr. F. E. Maning, assigned a more potent cause for a decrease so sudden as to outrun any rate attainable by reason of intermarriage of blood-connections. He observed that a second plague followed the use of the musket, and swept away more victims than the first. The ancient weapons were powerless against the inmates of pahs built on precipitous hill-tops; and in selecting safe situations, the Maoris chose healthy ones. Day and night free air coursed over habitations placed beyond reach of exhalations from marshes. Troops of dwellers therein descended to their cultivation fields, with club or spear in one hand, and an agricultural implement in the other. The women followed. In the evening the women led the way home, and the men kept that which was the post of danger in case of attack.

When the crops were growing the tribe or hapu would often wander to some fortified elevation near a river or sea, and obtain variety of food by fishing. Their growing crops were deemed safe even from enemies. When the musket became the principal weapon a change came over the scene. To avoid the toil and loss of time incurred in the long procession from hill-top to field, and the carrying of fuel, provisions and water, the Maoris, relying on their new weapon, transferred their abodes from the airy eminence to the fields [illegible] built their oven-like houses in mere swa[illegible] in summer-time. With rushes rotting [illegible] low dens, heated like ovens at nig[illegible] up in the [illegible]; drinking [illegible] ted [illegible] caves, the [illegible]

no advice. They could not see the devouring enemy, and would not believe Europeans who warned them.

"Twenty years ago, a hapu, in number just forty persons, removed their 'kainga' (village or head-quarters) from a dry healthy position to the edge of a 'raupo' (bulrush) swamp. I happened to be at the place a short time after the removal, and with me there was a medical gentleman who was travelling through the country. In creeping into one of the houses, the chief's, through the low door, I was obliged to put both my hands to the ground; they both sank into the swampy soil, making holes which immediately filled with water. The chief and his family were lying on the ground on rushes, and a fire was burning, which made the little den, not in the highest place more than five feet high, feel like an oven. I called the attention of my friend to the state of this place, called a 'house.' He merely said '*Men* cannot live here.' Eight years from that day the whole hapu were extinct, but, as I remember, two persons were shot for bewitching them and causing their deaths."[1]

The drinking of ardent spirits, the bane of European countries, claimed its victims. The king-maker and his friends endeavoured to bar the poison from their territories, but the dissolute and debauched evaded the prohibition. Europeans did not always assist Waharoa's efforts. Bishop Selwyn confessed the shame with which he sometimes saw the demoralizing effect of remitting the chivalrous chief to scenes and company likely to lead to his ruin. It was not possible that an imaginative and thoughtful race should see these things without despair. It was natural that a daring race should say—"Rather let us die in battle than pine away as slaves." Proud also and boastful (some speakers in the Assembly said they were undefeated if not successful in the Taranaki war), they might in some cases be fooled by the idea that they could drive the Pakeha into the sea, in spite of having only fowling-pieces or muskets and scant ammunition with which to oppose the "mortal engines" of the day. The superstition which doomed sorcerers to destruction because the dwellers in a marsh had died, was prompted to some deed of daring before swarms of immigrants might make all daring vain. But the visitors were already swarming.

The early massacre at Wairau and the failure of the company's schemes had arrested immigration; but it had been resumed. It is difficult even for misgovernment to arrest the material advancement of a young community.

[1] "Old New Zealand."

The resolution of the individual Englishman, who, though he grumbles with or without cause, yet works to make himself a home, had conquered natural obstacles; and settlement, agricultural and pastoral, had been pushed by slow degrees farther and farther from the several provincial capitals. Taranaki was an exception. In a memorial (April, 1863) the settlers bitterly complained that after 1844 no more than 70,000 acres had been secured by purchase. Even from these they had been driven; and the settlement was, in the Assembly and elsewhere, spoken of as for the time destroyed. But at the Middle Island the tide of immigration had been such that in 1863 more foreigners stood on Maori land than there had ever been Maoris. On the 31st Dec., 1860, the whites were estimated at 83,919 in the islands; in Dec., 1861, at 99,021; in Dec., 1862, at 125,812; in Dec., 1863, at 164,048. And still the yellow slave of commerce drew shoals of gold-seekers to Otago.

In June, 1861, after various minor discoveries, the first redundant goldfield had been found by one Gabriel Read at Tuapeka. The first escort from "Gabriel's Gully," as the thronging miners christened the place, took away 5056 ounces of gold. Crowds rushed to the spot. The Australian colonies caught the infection; the restless element at the populous goldfields in Victoria cast itself loose from a soil for which it had no attachment, and exhausted all available means of fleeing to Otago. For a short time it seemed that the adventurers had been drawn thither by a will-o'-the-wisp. They were too numerous for the known gold-bearing situations. The weather was colder than any they had encountered in Australia. A panic disturbed them, and they began to fly. The Superintendent of the province issued a proclamation (Sept., 1861), warning intending miners not to make matters worse by rash immigration. In midwinter (July) there had been a retreat so rapid that only 7000 persons were supposed to be left at the mines. More than 16,000 returned to Australia. A[illegible] that month two men produced, in Dunedin [illegible] gold, and offered to divulge the spot [illegible] this treasure on condition tha[illegible] guarantee them a reward of £2[illegible]

16,000 ounces should be brought down by the escort. The bargain was made; and the Dunstan gold-fields on the Clutha river were no sooner made known than the vagrant crowd returned. Before the end of the year 70,000 ounces of gold were obtained from the neighbourhood of the Clutha river. More fields were found at the valley of the Cardrona, and in the gorges of the Arrow river. At the Shotover river some miners were found at work by a Maori, Haeroa, and a half-caste, natives of the North Island. On the west bank of the river was a point which the miners wished to examine. They shrunk from the foaming torrent between. The Maoris plunged in and reached the coveted shore. A dog which attempted to follow them was swept to a rocky point below. One of them went to assist the dog, and observed gold in the crevices of the rocks. Before nightfall the two swimmers had scraped together 300 ounces of gold. The small province of Southland, under influences which had magnified Otago, increased its population from 1876 in 1861 to 8085 in 1864. In the Middle Island, which thus opened its maw to receive the coming thousands, there was no risk of Maori attacks. Never in that island, except at the Wairau in 1843, had there been collision between the two races; and the Maori leaders there were Rauparaha and Rangihaeata, who were dwellers in the North Island. The fertile plains of which the New Zealand Company had endeavoured to rob them with the policeman's staff were now the rich possession of a new province—Marlborough—carved in 1859 out of the original province of Nelson. The population of Marlborough had risen from 2299 in 1861 to 5519 in 1864. At Nelson, after the loss of Marlborough, the Europeans had increased from 9952 in 1861 to 11,910 in 1864. In Canterbury progress had been steady. The population had risen from 8967 in 1858 to 32,276 in 1864. At Wellington in the same period it had advanced from 11,753 to 14,987. Hawke's Bay in the same time had grown from 1514 to 3770. About 4000 Europeans were cooped up in Taranaki. Auckland, the capital, had steadily advanced. Everywhere, except at Taranaki, enclosures and agriculture had rapidly increased. The total of acres enclosed was 409,763 in 1861, and in 1864 it was 1,072,383. Including sown grasses the acres under crop had been 226,219 in

1861; they were 382,655 in 1864. But all this progress availed the war-party nothing, so long as the Maori sat in his king's gate. Yet the decay of the Maoris might have satisfied their enemies. They were supposed to be less than 50,000, while the Europeans were more than three times as many. But nearly all the Maoris were in the North Island, in which they formed nearly two-fifths of the whole population. Many tribes were friendly, but it was not known how many would join the standard of the Maori king. That there would be (as in fact there were) large numbers of the natives fighting on the side of the English was hoped, but could not be predicted. The causes which had so rapidly created a numerical preponderance of Europeans in the islands involved financial considerations. Armies must be paid for, and wages had risen. Any highly-paid occupation absorbs labour to itself, and employers in danger of being deserted have to compete in price with temptations offered elsewhere. This maxim, true everywhere, is strained to the extremest verge when the glittering bait of gold for mere grubbing is the distracting magnet. The greed of the gambler is associated with honourable toil, and the measure of wages is unsettled by the quality of hope.

The man who of all men in New Zealand had the most subtle brain for comprehending problems in political economy at this time passed away. Mover of so many puppets in his prime, he had become, like Swift, capable only of wondering at his former achievements. Gibbon Wakefield, long absent from the arena of activity, died at Wellington in 1862.

The ministry, in a document laid before Sir G. Grey at Taranaki (May, 1863), urged that the pay of the militia there (2s. 6d. a day with rations) was not too high, because "the ordinary wages of labour of the simplest kind, such as working on roads, was 8s. a day at that time at Nelson and Canterbury." Under such circumstances the cost of an army [illegible] might disturb even a bold finan[illegible] regim[illegible] had been raised in Au[illegible] [illegible] [illegible]tion. Before the [illegible] drew up a volum[illegible] t., 1863).

Roads were to be made. One was to pass through the heart of Waikato from Auckland to Taupo. About 1000 miles of roadways were proposed. The war was to be the last. "No opportunity of renewing it with any chance of success must be left." Twenty thousand men would be required. Half of them would be wanted "from Waikato Mouth and Raglan to Tauranga and Thames." The rest were to be located in bands of 1000 or 2000 at Taranaki and elsewhere. Two thousand were to go to Wanganui. They were to work on the roads, armed with Enfield rifles. They would cost the country about £1,500,000 if they worked for nine months in the year on the roads. They would cost less if paid as militia. The scheme, with sundry accompaniments, would cost about £4,000,000. The money ought not to be raised by immediate taxation. It must be borrowed. Confiscated lands would be sufficient security.

That there was a treaty of Waitangi in existence was a parchment bug-bear. The recollection of it had faded. It was not wanted to interfere, like Banquo's ghost, with the feast. There were, in the Waikato and Thames district, 2,292,000 acres; at Taranaki, 500,000 acres, = 2,792,000 acres. Let them be seized. Let the natives, if any be left at Waikato after the war, have 500,000 acres of their own lands. One hundred thousand acres would suffice for the Taranaki Maoris. Military settlers would have 500,000 at Waikato, and 200,000 at Taranaki. There would remain 1,492,000 acres to be sold, and they would realize more than £2,000,000. Increasing revenue would yield profits in the long run, even without reckoning the prosperity attendant on expenditure of so many millions sterling. They hoped for a guarantee from the Imperial Government for at least £3,800,000 out of the £4,000,000. "It may be objected that these plans are based solely on the idea of force; and it is true that physical power is the main element in the conception." But the ministry could only rear moral sway on a basis of physical power. "The axe and the fire are wanted," they said, "before the plough and the seed-corn." Mr. Domett signed the paper on behalf of his colleagues. It was laid on the table of the House. It tended to intensify the hostility of the Maoris. It may have been one of the early causes of a general

feeling amongst the regular forces, that the war was sought, not as a necessary act, but as a means of spoliation, and a stimulant of the expenditure which enriches traders. Debt never had horrors for the colonists. Under Mr. Stafford, in 1856 and 1860, the Assembly had raised £650,000; under Mr. Domett, in 1862, £500,000 more. The Provincial Governments had raised for various purposes £2,454,239. Mr. Domett and his colleagues hoped, in 1863, to drown the new debt by spoliation, for they valued the land of which they intended to rob the Maoris at little less than the proposed loan.

The General Assembly met on the 19th October. The Vice-Regal speech breathed slaughter, and upbraided the Maoris as having "deliberately resolved upon war." It profusely thanked the Imperial Government and the Australian colonies for military aid so promptly rendered; and asked the Assembly to "accept the responsibility which Her Majesty's decision has placed upon the colony," viz., that, "except in certain contingencies," the direction of native policy, and the management of native affairs, should be placed under control of the General Assembly.

Though new members had been added to the Council, no member represented the government there. Mr. Swainson (22nd Oct.) moved "That the Council do not proceed to any business of serious importance until there be a representative of the government in the Council," and the Council adopted his suggestion.

On the 26th, a member informed the Council that, pending changes in the ministry, no such representative had been appointed, but "as soon as such changes had been completed and the Cabinet formed, no time would be lost" in appointing one.

On the 28th Oct., Mr. Domett told the House that in consequence of difficulties "in connection with the arrangements for fin[illegible] [illegible]ting person to represent the govern- the [illegible] [illegible]e ministry had resigned. Every- [illegible] causes [illegible] been at work. The [illegible] the [illegible] in choosing a [illegible] they [illegible] no recipient of [illegible] resig[illegible] [illegible]ng themselves

On the 30th Oct., Mr. Fox announced that he had formed a ministry of which Whitaker was to be Attorney-General and leader; Fox, Colonial Secretary and Native Minister; Reader Wood, Treasurer; T. B. Gillies, Postmaster-General; Mr. Thomas Russell (Whitaker's partner as a practising lawyer) remaining Minister of Colonial Defence, which position he had held in the Domett ministry. It was not difficult to foresee that Whitaker, who disregarded the treaty of Waitangi, who had been co-worker with C. W. Richmond in the Stafford ministry, would, with his partner, Russell, be potent in wronging the Maoris. The ministry was accepted as a war-ministry. Fox, without opposition in the House, and Whitaker, by fifteen votes against one in the Council, carried an address accepting with the "deepest gratitude" what had been done by the Imperial Government for "the suppression of rebellion," and—"relying on the cordial co-operation of the Imperial Government for the future, this House cheerfully accepts the responsibility thus placed upon the colonists. . . ." Mr. Fox took charge of and passed a Colonial Defence Bill which Mr. Domett had introduced.

The Defence Bill of the former year had elicited an opinion from the law officers (Sir W. Atherton and Sir Roundell Palmer) in England as to the powers of the Legislative Council. They were "of opinion, that if in a Bill introduced into the House of Representatives and passed through that House, a certain tax or duty has been imposed upon a Crown grant, or an instrument in the nature of a Crown grant, it is competent to the Legislative Council, without any breach of the privileges of the House of Representatives, to make the efficacy for any given purpose of another class of instruments, intended to affect native lands under the provision of the same Bill, dependent upon their assuming the form of Crown grants, or of those instruments in the nature of Crown grants, on which the tax or duty has been so imposed by the House of Representatives." They said it was never supposed in England that the privilege of the Commons as to originating taxation was attended with such a consequence as that the Commons could, by imposing a tax or duty on an instrument, exclude the other House from the power of originating or amending

Bills relating to such instruments. But the suppositions known to jurists are not those of clutchers at unconstitutional control; and elsewhere as well as in New Zealand, members of parliament have contended, not for what custom or law could justify, but for all that could by argument or intimidation be extorted.

An Act was passed to enable Provincial Legislatures to pass laws authorizing the compulsory taking of land for works of a public nature. This was a repetition of the scheme arrested in 1862 by the warning of Mr. Fenton, and the exceptional prudence of the Duke of Newcastle. Mr. Whitaker called no special attention to it. It was to remove doubts which had been suggested. Mr. Cardwell (Secretary of State) saw the contemplated injustice, and declined to advise allowance of the Bill unless native lands were excepted from its operation.[2]

A Bill was passed by the Representatives to raise £3,000,000 sterling by loan for the vigorous prosecution of the war.

On the 5th November Mr. Fox carried the second reading of a Suppression of Rebellion Bill by the large majority of 26 against 10. Mr. Fitzgerald, Dr. Featherston, Mr. Mantell (who designated the Bill as "atrocious"), and Mr. (afterwards Sir Harry) Atkinson were in the minority, which included Mr. Julius Vogel, who having kept a small shop at a rural township in Australia, had migrated to Otago. Having talent for intrigue, and sufficient literary ability for the local press, he obtained a position in the Provincial Government, and was elected to the Assembly for the district of Dunedin and suburbs north. Mr. Weld was not present at the commencement of the session, but took an early opportunity to protest against the Suppression of Rebellion Bill as "quite unnecessary and unconstitutional." It was a singular spectacle. The admirer of Mr. C. W. Richmond, the supporter of the rape of the Waitara, was compelled to [illegible] the harshness of Fox, by whom that rape had [illegible] Whitaker shone with baleful

[2] P. P. Despa[illegible] fair to Mr. Fitzgerald to [illegible] the pro- [illegible] "genera[illegible] nt to the [illegible] English [illegible]

but consistent lustre. In 1860, as in 1863, he was minister, and urged on each occasion the measures alternately condemned by Fox and Weld.

In the Legislative Council, where Mr. Sewell said it was "a measure which, if passed, would be an eternal disgrace to the colony," the Suppression of Rebellion Bill was carried by a majority of nine.

The Suppression of Rebellion Bill might have seemed sufficient violation of justice for one session. The Governor-in-Council, with Whitaker and Fox, might issue orders for the arrest of all "suspected" persons, and try them by court-martial. Death or penal servitude gleamed ominously in the Act. Nothing done under it was to be questionable in the Supreme Court, and to prevent redress it was to be sufficient for the Governor to declare that anything done had been done in accordance with the orders made under the Act. The bulwark of the Habeas Corpus statute was destroyed by a clause declaring that a writ under it should be satisfactorily met by a return that the body sought was held under the local Act. Indemnity was given for all unlawful things already done. The reader who gasps for freedom is doubtfully consoled only by the clause which limited the duration of the Act to the end of the next session of the Assembly. But something more than the taking of life was aimed at. The instruction of the Maori proverb—"First the man, then the land"—was to be bettered by the ministry. The land for which the settler lusted, the land to which the Maoris clung, was to be acquired, not by irksome bargains, but by confiscation. For this purpose "The New Zealand Settlements Bill 1863," was introduced. Its preamble declared that, for prevention of rebellion, and to maintain "law and order throughout the colony," settlers must be procured "able to protect themselves and preserve the peace of the country." The Governor-in-Council might declare any district in which "any native tribe, or section of a tribe (after 1st Jan., 1863), or any considerable number thereof, had been engaged in rebellion," a district within the provisions of the Act. Within such district the Governor-in-Council might from time to time seize upon lands for settlement. Fox hoped to establish from fifteen to twenty thousand

trained fighting settlers on the lands thus seized. Compensation might be awarded to owners, excepting such as had levied war after 1st Jan., 1863, or those who had comforted such warring owners, or "counselled, advised, induced, enticed, persuaded, or conspired with any person" to levy war, or who had been "concerned in any outrage against person or property," or who, after proclamation in the "Gazette," failed to surrender their arms. As suspected owners might be hanged under the Suppression of Rebellion Act, the compensation could be kept down to a low rate; but the astute Whitaker devised a mode of neutralizing the compensation clause. No claim could be entertained unless preferred in writing to the Colonial Secretary within six months (if the claimant were residing in the colony) after proclamation of his land by the Governor under the Act. Under restrictions which all men knew to be prohibitory, a Maori might obtain such compensation as the robbers of his country might choose to award him through new Compensation Courts. The Governor-in-Council was to appoint the judges, and in flagrant violation of principles which had become part of the life of England, it was enacted that he should also have power at any time to remove any judge. Thus an upright judge could be got rid of if his decisions should thwart the wills of Whitaker and Fox.

The New Zealand Settlements Bill was a fit complement to that for suppression of rebellion. Robbery was to be sanctioned by law. Mr. Fox moved the second reading of both bills on the same day (5th Nov.). Mr. Fitzgerald's eloquent opposition was unavailing. The Bill "gave power to violate every engagement made with the Maoris, and to confiscate their lands upon any imaginary or conceivable wrong." "It will confirm every charge that has been made against the settlers of a desire to acquire land from the natives." In the House there was no division [illegible] the Bill [illegible] Fox, in nominal deference to Mr. [illegible]ld's [illegible] introduced [illegible] provision that confis- [illegible] ed "[illegible] the Governor-in- [illegible] that [illegible] ribe, or section [illegible] ble [illegible] of, have been [illegible] the [illegible] Sewell and

Mr. Swainson voted against the second reading; for which Dr. Pollen voted after saying that he "had an insurmountable objection" to the confiscating arrangements. It devolved upon Mr. Whitaker to prepare an official defence of the prostitution of the power of a government for the purpose of pillage. In a paper to be submitted to an English Secretary of State, he said that as, for the most part, Maoris possessed "little personal property," the "permanent loss of their landed possessions" was that which they would feel the most. Of love of country his black-letter intelligence took no heed.

"It will be observed (he wrote) that the provisions of the Act may be made to include lands belonging to persons who have not justly forfeited their rights by rebellion. In order to carry out the scheme this is absolutely necessary. . . . The New Zealand native tenure of land is, for the most part, in fact, with little or no exception, tribal; and if the principle were admitted that the loyalty or neutrality of a few individuals would preserve the lands of the tribe, the Act would, for the most part, be a dead letter, and that in districts in which it is most required, and in which its operation would be perfectly just."

He who runs may read in these words a condemnation of that act by which Colonel Browne, abetted by Whitaker and others, attempted to set aside in 1860, with a high hand, that tribal tenure of the existence of which Whitaker was aware, and which he put forward as an excuse for wholesale robbery in 1863.

Sir G. Grey did not reprobate his adviser's immorality. Professing his trust that he could infuse some spirit of equity into the administration of the Acts, he recommended their allowance. If the weak Duke of Newcastle had remained at the helm they might have been simply allowed. But Sir W. Martin drew up a paper "on the proposal to take native lands under an Act of the Assembly," and sent it to Mr. Fox, with a request that it might be transmitted to the Secretary of State. Mr. Fox complied, and sent his own comments. He was unshaken in his resolution to abandon the sentiments he had professed in 1860. If the North Island was to be held by the English, confiscation must take place. There was nothing unjust or "unusual in the history of national conflicts" in it, and it was "in conformity with the customs of the Maoris themselves." . . . To allow "natives, rebel or others, to retain pos-

session of immense tracts of land that they neither use nor allow others to use, and which maintains them in a state of isolation from the European race and its progressive civilization," was most prejudicial to the natives, and contributed "to the rapid decay and extinction of the race." Sir G. Grey avoided comment on Mr. Fox's paper. He equivocally justified the invasion of the Waikato territory, which Sir W. Martin's paper seemed to condemn, but hinted that Sir W. Martin's views "would probably agree with" his own on the point. In recommending the Acts for allowance by Her Majesty, he declared his own belief that generosity in dealing with rebels had been more successful than severity in the past. It is but just to Mr. Sewell to record that, in a letter to Lord Lyttelton[8] (Dec., 1863), he animadverted severely upon the Suppression of Rebellion and the Settlements Bills. The first purported to make that law which is in itself a "violation of all law." The second had all the vices of the worst *ex post facto* legislation, and was a breach of Imperial and moral obligations.

The seizure of the Waitara block by the government in 1860, and its abandonment in 1863, were discussed with some warmth in the House of Representatives. Mr. Dillon Bell was one of the ministers who, in 1863, were constrained to declare publicly the justice of abandoning what had been unjustly seized. If the prayers of Bishop Selwyn and Sir W. Martin for a fitting inquiry in 1860 had been acceded to, the truth might then have been ascertained, and the shame of subsequent wrong-doing and repentance might have been avoided. Mr. Bell strove to defend himself by urging that the facts discovered in 1863 were unknown to him when in 1860 he abetted the seizure of the Waitara block. In other words, he advised Governor Browne to prosecute an unjust war without investigation, at a time when Bishop Selwyn and Sir W. Martin were earnestly beseeching the [illegible]

[illegible] defend the late [illegible] that he was [illegible] despatches on [illegible]

[illegible] Lord Lyttelton.

The House, on the suggestion of Mr. Gillies, contented itself with affirming that the war was not about land but about jurisdiction, and with controverting the accuracy of the statements which had led Sir G. Grey "to take an opposite view." Sir G. Grey transmitted copies of the statements, and requested to be informed which of them were deemed erroneous.

With diffidence in its own position the House resolved, (on Mr. Stafford's motion) that it did not in its recent resolution "desire to express an opinion on the accuracy or otherwise of the three statements, inasmuch as those statements do not appear to affect the question of the justice of exerting military force against Te Rangitake and his allies; but this House does controvert the statements on the part of the natives as to the cause of the quarrel."[4] There was little chivalry in thus evading a contest with the Governor, and challenging the Maoris already overwhelmed at Rangiriri, and fugitives from Ngaruawahia.

In reporting (5th Jan., 1864) the transactions in Parliament, the Governor added:—

"When I received the closing resolutions from both Houses, and felt that the only answer I could return was, that after the most careful consideration of the subject, my conviction was that the natives were in the main right in their allegations regarding the Waitara purchase, I feared if this reply was published at the present time, when a rebellion is raging, it might have produced weighty consequences as regards the native race, and might have very much embarrassed the colonial ministry who did not at all agree upon this subject. I therefore thought I should act best by requesting my ministers to advise me as to the nature of the reply I should return, and in accordance with their advice, I assented to their simply making a statement in each House to the effect that they had advised me that in their opinion it was not necessary for me to reply to the resolutions."

[4] 1894. In the first edition of this History several pages were devoted to this Parliamentary episode. Much interest in the speeches then made has vanished since 1883. As shown at the close of Chapter IX. (*supra*), Judge Fenton—who judicially investigated the matter in 1866—testified in 1885, before a Parliamentary committee, that there could be "no doubt whatever" as to the claims of Te Rangitake. Not only (as Ariki in Mr. Maning's opinion) had Te Rangitake supreme control, but, in Mr. Fenton's judicial pronouncement, "he was the principal owner" by inheritance. It was noteworthy that twenty years after the House had equivocated with Sir G. Grey, as Governor, he, as a member of the House, placed on record before a committee of the House, the words of a judge who had ascertained the baselessness of the contentions of C. W. Richmond, Stafford, Dillon Bell, and their adherents.

It remained for a judicial inquiry in a later year (1866) to scatter finally to the winds the flimsy pretext that Teira could sell to Colonel Browne the "carefully chosen" seed-plot of war. By a singular retribution that inquiry was instituted (while Stafford was Premier) with no intention to analyze those rights of Te Rangitake, which were found irrefragable. Perverse to the last, the ministry, by privately compounding the matter before the Court, evaded the delivery of a formal judgment; though happily the facts became known. It may be admitted that until the scales of justice were applied, Colonel Browne could not know how grossly the treaty of Waitangi was violated by his acts. But that ignorance confers no moral relief; for the prayer of Te Waharoa, of Bishop Selwyn, of Sir W. Martin, and Archdeacon Hadfield, was that the law might be resorted to, and their prayer was roughly refused.

Mr. Fitzgerald carried in the Lower House, unopposed, a Bill to provide for an inquiry by commission as to the Waitara block. Whitaker opposed it in the Council, and it died there.

One of Colonel Browne's advisers had, in 1863, quitted the political arena. Mr. C. W. Richmond had become a Judge of the Supreme Court. But he could not keep aloof from the Waitara question. He asked his old colleague, Stafford, to make known to one or both Houses his willingness to submit to any further investigation. He wrote to Sir G. Grey: "I have taken this step in consequence of certain statements in your Excellency's recently-published despatch announcing your determination to relinquish the position assumed by your Excellency's predecessor in reference to the Waitara purchase." As to the new evidence elicited, and doubts whether Governor Browne knew the true facts of the case—whether indeed they had been concealed or kept back from him—Mr. Richmond said: "I see no reason to suppose that your Excellency's suspicions point particularly to myself . . . nevertheless I find that it has appeared to others as well as to myself th your Excellency's surmises may be deemed to point a include myself, as I then held the position of Minister Native Affairs." Therefore he courted inquir explanation. He was not accused. By com

such a manner he seemed to accuse himself. *Prima est hæc ultio, quod, se judice, nemo nocens absolvitur.* The Governor sent the letter to England, where its receipt was simply acknowledged. To prove that Governor Browne or Mr. C. W. Richmond, or both, had been deceived, was of little use. The wrong done was past recall, and no one accused them of other than official wrong-doing. The historian must inculpate them with mingled regret for them and for their countrymen, and pity for the fellow-creatures whom they wronged. Resolutions carried in the Legislative Council (4th Dec., 1863) were similar to the resolution of the Representatives, with the exception that the Council thought it "happily unnecessary" further to discuss the Waitara question. Members may have seen an incongruity in inquiring about the justice of the war of 1860, while the war of 1863, its direct result, was being prosecuted. In the North Island nearly all males were enrolled. On the 5th Nov. it was resolved that the provisions of the Militia Act should be strictly carried out in the Middle Island, till the whole male population between the ages of sixteen and fifty-five, not exempted by law, were organized and drilled.

The ambiguous manner in which the representatives had received the invitation to manage native affairs was removed on the 6th Nov. The change was brought about by General Cameron's military success. The Governor having received sanction from England (and in a qualified sense from the Assembly); and more than 2000 armed men having been raised in Australia under Colonel Pitt[5] for the Waikato regiments, the General advanced towards the stronghold where the Maoris were assembled at Mĕrĕ-mĕrĕ. Skirmishing bodies were abroad, and an officer commanding the outposts at Mauku (near Manukau and far in the rear of General Cameron) was compelled by a large body of natives to retire with loss of an officer and five men killed. Reinforcements arrived, but the enemy escaped. Rewi had the reputation of instigating the raids made at this period in the Hunua forest. On the 29th Oct., General Cameron, with Commander Wiseman, reconnoitred Mere-mere. Two

[5] [1894. After publication of this work the author had the gratification of learning from Colonel (then General Pitt) that he deemed the narrati— of the military operations in New Zealand (in these pages) signally —

40-pounder Armstrong guns had been previously landed at Whangamarino to command the landing-place at Mere-mere. That stronghold was on a low ridge which approached the Waikato river. Traversed rifle-pits occupied the descent of the ridge to the river. Swamps almost encircled the ridge, and the Whangamarino and Maramarua rivers, or creeks, were available to the east for retreat. The swamps were more water-laden than usual. The Maori flag floated in a pah where the ridge was 130 feet high. Every slope and projection from the ridge to the swamps was traversed with rifle-pits. Growth of scrub-pine and scrub, from six to ten feet high, was interspersed with the surrounding swamps. There was a horse-track leading by a spur of the ridge towards Rangiriri about twelve miles higher up on the right bank of the Waikato river, but swamps and curving hollows with swampy bottoms made all tracks sinuous. The General and Commodore found no convenient place for landing troops. The Maoris fired at the steamer, the "Pioneer." They had dragged a gun from the west coast to the Waikato. The resistance to be expected from the nature of the defences led the General to proceed up the river as far as Rangiriri in search of a point at which troops might be landed to turn the enemy's position, while attention was occupied in front by the steamer and gun-boats. A point six miles above Mere-mere was selected. Secretly, at half-past two o'clock on the morning of the 31st, the "Pioneer" and "Avon," with four gunboats, transported a force nearly 700 strong to the place. No opposition was made, and the troops took up what the General called a commanding position about 400 yards from the bank of the river. He intended to move up an additional force on the following night, and a breastwork was constructed to defend the camp, which was left under command of Colonel Mould. What the General supposed the Maoris were doing while he was sending hundreds of soldiers to their rear, his despatches do not tell. He does say that, while he was busy with his preparations, the officer in command at Whangamarino reported that the natives were escaping in canoes by the Whangamarino and Maramarua rivers. He embarked at once in the "Pioneer," and found that Mere-mere was abandoned.

Mr. Fox in his narrative bewailed the catastrophe. "Our troops appear to have been able to do nothing except look on from a distance. . . . It was a great disappointment to everybody." Nevertheless, though the Maoris left only empty rifle-pits behind them, they seemed to admit their inability to cope with the troops, and Mr. Fox lost no time in moving (6th Nov.) a resolution pledging the representatives to accept the control of native affairs.[6] It was far more absolute and binding than the proposition which he failed to carry in the previous year, and which led to his retirement. But he carried it without a division. Imperial troops had won regard. The House recognized with the deepest gratitude the great interest always taken by the Queen in

"the welfare of all races of her colonial subjects, and the thoroughly efficient aid which Her Majesty's Imperial Government is now affording for the suppression of the rebellion unhappily existing, and the establishment of law and order in the colony; and, relying on the cordial co-operation of the Imperial Government for the future, this House cheerfully accepts the responsibility thus placed upon the colonists, and at the same time records its firm determination to use its best endeavours to secure a sound and lasting peace, to do justice impartially to both races of Her Majesty's subjects, and to promote the civilization and welfare of all classes of the inhabitants of these islands."

The Council (9th Nov.) adopted similar resolutions. It must be confessed that the vain efforts which the House made soon afterwards to strangle the truth with regard to the seizure of land at Waitara formed an unhappy commentary on these professions. The address was acknowledged with pleasure by the Secretary of State. The pledge to accept responsibility was no sooner made than it was repented, and by some sought to be evaded. It was spoken of as a "fatal acquiescence."

[6] Mr. Fox quoted a despatch from the Duke of Newcastle expressing to Sir G. Grey his readiness "to sanction the important step you have taken in placing the management of the natives under the control of the Assembly. I do so partly in reliance on your own capacity to perceive, and your desire to do what is best for those in whose welfare you are so much interested. But I do it also because I cannot disguise from myself that the endeavour to keep the management of the natives under the control of the home government has failed. It can only be mischievous to retain a shadow of responsibility when the beneficial exercise of power has become impossible." To the Duke, indeed, power had "come like a shadow," and so departed.

The session did not close without a notable triumph for the war-party. The Maoris, after evacuating Mere-mere, occupied Rangiriri, higher up the river than their former position. The Waikare lake was there separated only by a narrow belt .from the river, and numerous swamps and ana-branches facilitated the use of canoes. The Maoris constructed their main line of entrenchment "across the isthmus which divided the river from the lake." The line had a double ditch and high parapet, and was "strengthened in the centre by a square redoubt of very formidable construction. Behind the left centre of the main line, and at right angles to it, there was an entrenched line of rifle-pits parallel to the Waikato river, and obstructing the advance of troops from that direction."[7] The General reconnoitred on the 18th, and resolved to land a force above the position "with a view of turning and gaining possession of a ridge 500 yards behind the main entrenchment, and thus intercepting the retreat of the enemy." Three hundred of the 40th Regt. were embarked in the "Pioneer" and "Avon." They were to land at a selected point on a preconcerted signal. Wind and currents delayed their movements. The number of the Maoris was thought to be between 400 and 500. The General's force was about 1300. The enemy's position was shelled till nearly five o'clock. Armstrong 12-pounders on land aided the fire from gunboats. The General (weary of waiting for the preconcerted signal of the landing of the men of the 40th Regt. sent to the rear by water) ordered an assault, which was gallantly executed. The entrenchment was scaled, the line of rifle-pits facing the Waikato was forced, and the Maoris were driven to their centre redoubt, which they "defended with desperate resolution," behind a parapet 21 feet high. At this time the General saw that the 40th had occupied the ridge in the rear, and were pouring a heavy fire on a body of the enemy who fled by the Waikare swamp. Two assaults on the centre redoubt were made separately by 36 of the Royal Artillery and by 90 seamen, armed in each case with revolvers. Both were driven back with loss; and hand-grenades were vainly thrown into the work to dislodge the

[7] General Cameron's despatch; 24th Nov., 1863.

besieged. It was then growing dark, and, satisfied with his position, in which he said "the troops almost completely enveloped the enemy," the General resolved to wait till daylight. The force under the Commodore endeavoured to prevent an escape to the Waikare lake. Shortly after daylight the Maoris hoisted a flag of surrender. One hundred and eighty-three men and two women became prisoners of war. The General was unable to ascertain what had been the original force, or what was the loss of the natives. "Their wounded must have been removed in the night, as there were none among the prisoners." Thirty-six dead Maoris were found and buried, and it was believed that numbers were drowned or shot at the Waikare swamp. The General's despatches gave a return of 39 English killed and 89 wounded. Amongst the dead was Captain Mercer, who led the Royal Artillery in their desperate assault on the redoubt. When he fell in a position exposed to the fire of Maoris and of English, Te Oriori risked his own life[8] and was wounded while carrying his enemy to a place of safety. It had been supposed that the king and the king-maker were in the camp; but they were not among the prisoners. A native afterwards said that the king-maker and others escaped between the Waikare swamp and the river to the south of the redoubt, in which case they must have passed almost through the English lines. A letter from the king-maker (4th Dec.) asserted that 36 escaped by swimming across the Waikare lake. Many, including women, were drowned.

Mr. Gundry, interpreter, in his report to the Native Minister, mentioned a fact which found no place in the General's despatches. Far from thirsting for the blood of the gallant foes who had rent their ranks so fearfully the evening before, the soldiers and marines respected the courage with which, under a storm of shot and shell, that small band of men had defended their ramparts. The narrative of the interpreter should make Englishmen proud of their countrymen. "A Maori came forward with a white flag, when the soldiers sprang in amongst them, and com-

[8] In after years General Sir Havelock-Allan (who served at Rangiriri) assured the author that he never witnessed a nobler or more generous act than that of Te Oriori, whom he admired as a "perfect type of what a soldier should be."

menced shaking hands with the Maoris. Soon after, the General came, and ordered them to give up their arms and he would treat them well as prisoners because of their brave conduct. . . ." On the morning of the surrender the king-maker approached with a flag of truce. The interpreter found the leader inclined to surrender, but his companions unwilling. The king-maker sent his greenstone "mere," but the General could not tell whether it was in token of peace. General Cameron wrote: "I hope the prisoners will be treated generously, for every one must admire the gallant manner in which they defended their position to the last." The captives proposed to make peace, but the General told them the Governor only could arrange it. They wrote to the king-maker to urge the tribes to make peace. One of the chiefs who had escaped wrote to the Governor soliciting the release of the prisoners. "Let it suffice for you—the men who are dead. Return to us those who live." He was told by Mr. Fox that the Governor could make no terms till their arms were laid down. The chiefs wrote again to the Governor. He answered (6th Dec.): "Your letter has reached me. Sons, my words to you are these. The General must go uninterrupted to Ngaruawahia; the flag of the Queen must be hoisted there. Then I will talk to you."

On the 3rd Dec. Te Wheoro went from the General to Ngaruawahia. As he approached he was greeted with firing. He reached the house of Matutaera (Tawhiao), and the chiefs said, "Come and see your fallen tribe and your broken canoe." In like figurative words he recommended peace. The king-maker was sent for from Tamahere. There was a council. They said, "If we give up the guns we shall perhaps be made prisoners." The Ngatimaniapoto were about to cut down the flagstaff. "Waikato would not allow them. The quarrel was great. Both sides fired without aiming. Then Tamati Ngapora, Mohi te Ahiatengu, Patara te Tuhi, and the king-maker, gave the flagstaff to me, Wiremu te Wheoro, with these words: 'Wi[illegible] give over this flagstaff to you, with those buried [illegible] at Ngaruawahia, for you to give over to [illegible] the Governor. Especially let not the [illegible] be ill-treated by the soldiers.'"

It cannot be asserted that this act of submission would, if wisely received, have terminated wars in New Zealand. It was not wisely availed of by the Governor and his advisers. At Rangiriri was found a proclamation by the Maori king, dated 3rd Oct. It called for one-fifth of the tribes of the island to assemble at Ngaruawahia. It commanded them not to despoil the slain of their clothes; but "guns, powder, bullets, copper caps, cartouch-boxes, watches, money, rings, hats,—these take." Such spoil was to be "brought to one heap," and marked with the name of the depositor and the king's seal. The arms and ammunition would be given back to the captor, the other property was to be "left alone till the end, when his own will be restored to each man." How far this summons had been obeyed no European could tell. The General had crossed the Waikato frontier more than two months before it was issued.

To the letter from the captive chiefs the king-maker replied ambiguously (4th Dec.). He was unable to fulfil their word, to make peace. "We have not yet taken breath, both on account of your (ma-te) misfortune, and on account of the enemy constantly driving us from place to place. We are quite out of breath. What we have done, since you left, is to think over your word and continually retire; as the steamer moves this way we move also." The General, the Commodore, and 500 men were with the steamer. The Governor detained the English mail for twenty-four hours, to announce the occupation of Ngaruawahia on the 8th Dec., and the establishment of headquarters there. The Maoris had evacuated it, taking with them the bones of Potatau. In a few days the success of the Thames expeditionary force, 900 strong, was assured by establishing military posts from the firth of the Thames to the river Waikato. Near Paparata Colonel Carey built a redoubt on a hill, which enabled him to establish a system of telegraphs. An exploit of Captain Jackson, of the Forest Rangers, at Paparata, attracted attention in December. Smoke was observed on Sunday morning, and a stealthy advance was made. The voice of a Maori leading the devotions was heard, and the approach of the Rangers was unnoticed. At thirty yards' distance a volley was

poured upon the congregation, and the assailants rushed up with revolvers.

"The panic was intense. One man stood upright, without making an effort to escape or defend himself, and was shot down. Another was wounded in the shoulder by Smith; the native fired at him in return, but missed; he then clubbed his double-barrelled gun, and struck at Smith, who parried the blow and closed with the native. Although the Maori was wounded, he would have proved match enough in this hand-to-hand struggle but for Ensign Westrupp, who came to the relief of his man, and shot the native in the head; he fell, but again rose to his legs, when another man blew his brains out. This was the only instance of resistance, except a few shots which did no harm. Four of the Maoris were left dead on the field, and several wounded men were carried away, principally by the women of the party. There was an order given not to fire at any of the women."

Such was the account in a newspaper, which regretted that the fugitives were not followed and punished more severely; but "on the whole (thought) a highly successful affair had occurred to enliven the monotony of the war, and this time it is entirely by civilians." It transpired that women had not been spared, and the commander admitted that one woman was wounded. The Rev. R. Taylor in his "New Zealand, Past, Present, and Future," singled out the performance as one which ought to make colonists blush.

The readiness of the Maoris to discuss their plans showed how utterly their plans had failed. They had intended to operate, in guerilla bands, upon the rear of the General's forces. From the Thames to Manukau, and especially in the Hunua forest, they had hoped to harass their invaders. They had not believed that supplies for a large invading force could be depended upon. The destruction of the war-party at the Wairoa river, in Sept., had signally foiled their schemes on the General's left rear, and when the redoubt was constructed near Paparata, and the road through the Hunua forest to Maungatawhiri was held by efficient detachments armed with rifles, the inefficiently-armed Maoris were powerless for offence. The Parliament unanimously [illegible] the General, the Commodore, and Major-General [illegible] the [illegible] of the colonial forces.

* Recently prom[illegible] Regimen[illegible] at the Governor's r[illegible] tia and [illegible]

A serious question had occasioned much debate in both Houses. The remoteness of Auckland from populous parts of the Middle Island obstructed the attendance of members at the General Assembly, and impeded communication. It was resolved that the seat of government should be transferred to Cook's Strait, the selection of the site being left to an impartial tribunal, consisting of Commissioners from three Australian colonies. The early project of Gibbon Wakefield's friends was thus revived after many years, for it could hardly be doubted that Wellington would be chosen as the most suitable position in the Strait.

During the session a subject which had formerly agitated the colony of Victoria was brought before the Assembly. As in Victoria, so in New Zealand, the goldfields attracted crowds of criminals from Tasmania, the last gathering-ground for English convicts in the south-eastern group of Australian colonies. After discussion, disallowance, and difference, the Victorian Convicts Prevention Act found a home in the statute-book. In Otago, the vultures which prey upon their fellow-creatures hovered so thickly that Major Richardson, the superintendent, emitted a piteous cry. Criminals of desperate character were setting in like a tide, which, if not arrested, would "inevitably make the province one vast penal settlement." In 1861 and 1862 the Provincial Council passed ordinances to prevent influx of criminals. They were severally disallowed by the Governor, the opinion of the judges being taken as to their repugnance to law and to the Constitution. A similar Bill was passed by the House of Representatives in 1863; was carried by a majority of four on its second reading in the Council, though opposed by Chief Justice Arney; but was, on the motion of Mr. Swainson, ordered "to be read a third time this day six months." The ministry urged that an Imperial Act should be passed, either to meet the evil, or to empower the Assembly to do that of which, in the opinion of the judges, they were then incapable. Mr. Cardwell replied that as the government

"did not advise the disallowance of the Act passed to prevent the entrance into Victoria of persons formerly sentenced to transportation in the United Kingdom, but whose sentences had expired, so neither would they now advise the disallowance of a similar Act if passed by the New Zealand legislature. They would, however, see the passing of such an

Act with regret, and they certainly would not advise that Parliament should be invited to pass a law for the express purpose of enabling a colonial legislature to enact a provision so little in accordance with Imperial policy, and which, in the opinion of their own judges, is not called for by any proved necessity.

On the 14th Dec. the session closed. The Governor gave the Royal assent to the Suppression of Rebellion Act, the New Zealand Settlements Act, and a Loan Act for three millions sterling, and dismissed the members, with an assurance that the unusual powers granted to the Executive in time of great public danger should be used so as to encroach as little as possible on the ordinary domain of law. They had provided in their Loan Act for a reduction of interest on so much of the loan as the Imperial Government might guarantee, and Mr. Reader Wood, the Treasurer, sailed in January to England. By the Constitution of New Zealand, as in Australia, power was reserved to the Crown to disallow a Bill (although assented to by the Governor) within two years after the receipt of the Bill by the Secretary of State. Mr. Whitaker protested against the exercise of this power of disallowance with regard to the Rebellion and Settlement Acts. His main plea was that native land tenure "was with little or no exception tribal," and if lands of a tribe could be preserved because loyal occupants were incapable of eviction, the Acts would be for the most part futile. Already 3000 men had taken military service with the hope of obtaining land, and it was intended to enrol 20,000. Difficulty in confiscation would be intolerable. Such was Mr. Whitaker's argument in 1864. The tribal rights he had advised Governor Browne to reject as baseless at Waitara, could scarcely be denied before the accomplished Governor Grey. Their existence was therefore made a plea for a larger measure of confiscation than any but special enactment could permit, though it could not justify. Mr. Weld protested against the Bills as uncon- [illegible] onal and [illegible] cal. Mr. J. C. L. Richardson re- [illegible] e fact [illegible] doubtful supporters" of Fox gave [illegible] g and [illegible] thesion [illegible] ures savouring of [illegible] pen [illegible] dish [illegible] "[10] Sir G. Grey [illegible] etary [illegible] that [illegible] odes of dealing

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with subjects after rebellion, generosity would generally be found most successful; and that, in New Zealand, generosity had so far prospered that former enemies, who might have inflicted serious injury in 1863, had not only refrained from joining the rebels, but had volunteered to aid the English. But it was needful now to inflict punishment by taking land; though, recognizing the wisdom of generosity, he would not carry the system too far. The Duke of Newcastle, while acquiescing generally (Nov. 1863) in the seizure of lands, deprecated such confiscation as would lead the Maoris to believe that land-grasping was the motive for war. Her Majesty's government would view with gravest apprehension a policy which might intensify the spirit of disaffection.

"Observations on the proposal to take native lands under an Act of the Assembly," drawn up by Sir W. Martin in Nov., 1863, were sent by Sir G. Grey in Jan., 1864, to the Secretary of State with the "Memorandum" by Mr. Fox, already mentioned as contending for confiscation on the grounds of necessity, of justice, and the interests of the Maoris, who were possessed of too much land for their own good. Fox concluded his paper with a declaration that "Mere technical difficulties (if there be any, such as govern feudal liability to forfeiture, or the necessity of conferring political franchise, which is alleged to be a condition precedent to the right to enforce submission to law), however interesting as abstract questions for discussion, cannot be entertained by a government on which the responsibility rests of saving to the British Crown a dependency in imminent peril, and preventing for the future the renewal of a similar crisis."[11] To Sir W. Martin's remonstrance that the government ought to discriminate between the various sections of the Waikato tribes—the loyal and disloyal—Mr. Fox did not reply. Sweeping confiscation was the long-coveted remedy for the woes of all who deplored the recognition of Maori rights by the Queen. They would undo by local proclamation what she had sanctioned by treaty. Sir W. Martin's paper, written by

[11] As Mr. Fox (in 1879) published a letter declaring that his influence was not exerted to bring about confiscation of Maori lands, it is well that his advice in 1863 should be recorded in his own words.

him with a "feeling of sorrow, if not of shame," was unanswered by the ministry, and unworthily treated by Sir G. Grey. He, who well knew that the crossing of the Maungatawhiri was a declaration and an act of war, was not ashamed to urge that it was an act of self-protection. He could not answer Sir W. Martin, and was too prudent to resort to the hollow immorality of Fox. He insidiously said (with regard to the invasion of Waikato): "I say this, not in answer to Sir W. Martin's views, which would probably agree with my own on this point, but because I fear that his remarks might, as they stand, be misunderstood by persons at a distance." He did his best to cause them to be misunderstood, lest the injustice of confiscating the goods of loyal subjects should be perceived in England, and the Waikato campaign should be marred. One thing he had the grace to avoid. He neither adopted nor commented upon the ethics of Whitaker and Fox. Anise and cumin his advisers could supply. The weightier matters of righteousness and mercy were beyond their ken. The law they worshipped was not like the ancient Themis, offspring of heaven and earth. It was altogether of the earth earthy, and centred in a craving for Maori land. The law to which Sir William Martin appealed, whose "seat is in the bosom of God, whose voice the harmony of the world, to which"[12] all things in heaven and earth do homage, "the very least as feeling her care, and the greatest not exempted from her power; both angels and men and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent, admiring her as the mother of their peace and joy"—such a law was unfitted for the designs of the heirs of those whom Lord Stanley had abashed, when, for the credit of the English name, he conveyed to New Zealand the commands of the Queen. New men ruled, however, in New Zealand in [illegible] the majority of the day ignorant [illegible] W. [illegible] ted) of Maori history and rights, [illegible] fo[illegible] ly gu[illegible] e hurried by their [illegible]

[illegible] words of Short-[illegible]n. "I do not at

The ministry showed jealousy of the Governor's ability and knowledge of Maori character. It was revealed in characteristic and trivial ways, which made the course of affairs a maze of pettiness, encumbering hundreds of pages in New Zealand blue-books. A few specimens are necessary to explain the state of affairs. It will be remembered that the Maoris were told that the Governor could only talk to them when the Queen's flag had been hoisted at the rebel capital. When the General reported the occupation of Ngaruawahia (8th Dec.), his ministers urged Grey to go thither with them and promulgate terms of peace. Those terms were discussed at great length. Surrender of arms, oath of allegiance, confiscation of all the land of rebels, followed by restitution of limited portions to avert starvation—prosecution of all murderers—were the main points. The ministry insisted on going with the Governor. He desired to go alone. They would not yield, and he did not go with them. Notice (16th Dec.) was sent to the chiefs that their reluctance to give up arms lest they should be made prisoners (as reported by Te Wheoro), was needless, for that none of them should be molested, except actual murderers. No act of war would be punished. If they wanted to know more of the Governor's intentions, he would receive a deputation in Auckland, treat it kindly, and allow it to return in peace. They must decide quickly, for the General would not stay his advance. Fox, in his account of the war, blamed the Governor for inability to make up his mind about going to Ngaruawahia; but a memorandum furnished by Sir G. Grey to his ministers (18th Dec.), at their request, explained his conduct differently. For a Governor, with the General and his ministers, to make overtures and fail, would injure his position in the eyes of Europeans and of Maoris. The natives ought to make overtures to him. Either the Governor ought to be with the General, making no overtures to the natives, but on the spot if they should choose to make them to him;—or, if his

all approve of the system of taking payment in land from the natives for acts of aggression on British snbjects, being of opinion that it would tend to encourage a frequent repetition of similar offences (against Maoris) and to render the lower class of settlers more and more abusive towards the natives." (Despatch to Lord Stanley, No. 53; 15th June, 1843.)

advisers preferred another course, they might be with the General ready to receive overtures. On the 19th Dec., Whitaker replied; "Most of the cogent reasons given by his Excellency against his going with some of his ministers appear to them equally cogent against either party going without the other." Fox declares that it was unfortunate that the Governor[14] did not go with his ministry, and that his refusal led to his being charged by the natives with breach of faith. He even says that the king-maker positively asserted that if the Governor had gone to Ngaruawahia peace would have been made. But the king-maker's letter quoted by Fox made no such assertion. It declared, on the contrary, that if the war had been allowed to stop at Rangiriri—if the proposals of the prisoners had been accepted by the English—there would have been peace.

As early as in Dec., 1863, there was doubt whether the Governor would confiscate lands as sweepingly as his ministers might demand. On the 17th, he showed them a draft of a despatch, asking whether it was wished that he should assent to any advice from his responsible advisers; or whether the English government proposed to issue any instructions. Pending the receipt of instructions he would act on his own judgment. Judging from the tone of the press, some persons desired—not that land should be confiscated as an example and check upon rebellion—"but that a magnificent and extensive territory might be thrown open to any amount of prosperous colonization." Whitaker and his colleagues demurred to the despatch, and reserved their rights "as ministers responsible to the General Assembly and the colony." After exchange of minutes, in the course of which Mr. Whitaker "feared that the conclusion was inevitable that the views of the Governor and his ministers differed essentially as to the practice of responsible government," the do[illegible] was n[illegible] England, and Mr. Cardwell in du[illegible] nor with instructions on the su[illegible]

[14] Mr. Fitzgerald [illegible]

The ceremony of handing the king's flagstaff to Te Wheoro bore no fruit. The wrangling of the ministry neutralized the tender of submission. The advance of the Queen's troops made peace impossible. It was ascertained afterwards that the Maoris on no occasion had more than 2000 men in arms throughout the island. More than 600 men were never assembled at one place during the war, and they could not in the open field oppose larger numbers aided by superior weapons. Rifle-pits and concealment were their defences. Retreat from fortress to fortress was their plan of operation as General Cameron marched forward. The General, meanwhile, looking round for strategic advantages, and heedless of old treaties, thought it advisable to conquer the Tauranga district on the east coast. The Maoris to the east of the harbour were comparatively friendly. The ministry said they were hostile on the west. Some had been to the war; some were preparing to go. The loss of their crops then ready to be gathered would be a heavy blow. Writing (19th Jan.), the ministry said it was already publicly known that the expedition was contemplated, and to delay it would be a sign of weakness. The Governor yielded with professed reluctance, feeling that "under the present form of government" he ought to comply. Again, therefore, an expedition was undertaken which could only be deemed a proof that the government raised quarrels in order to seize upon land.

It was believed that in 1863 as in 1860 the warlike youth of Tauranga had swelled the ranks of men in arms against the Queen. It was also true that the king-maker had much influence between the east coast and the waters of the Thames. The Civil Commissioner at Tauranga, Mr. T. H. Smith, had furnished a return of the warriors supposed to have gone to Waikato to help the king. From the east side of Tauranga, 30 out of an adult population of 212; from the west, out of 542 no less than 260 were said to have gone. Over them the king-maker's influence was great. Mr. Whitaker drew up (19th Jan.) instructions for the Colonel (Carey) in command. One sentence was: "The crops and cattle and other property of the natives on the west side should be taken possession of and the crops gathered in." Mr. Smith waited on Colonel Carey on the

22nd. Before doing so he had intimated to the Maoris in exact conformity with words of Fox (the Native Minister), "that the object of the expedition is to act as a check on the movements of the Waikato sympathizers, but that, unless forced upon them, active hostilities are not contemplated, and in any case will be only carried on against open rebels." Shocked at the variance between these words and the instructions to Col. Carey, Mr. Smith by words, and in writing, entreated him to stay his hand till the government could be consulted. Ruthlessly to pillage the innocent would make enemies of peaceful tribes. Col. Carey waited while Mr. Smith's appeal was sent to Mr. Fox. On the 25th, two letters from Auckland were sent to Mr. Smith. The Governor wrote privately:

"Col. Carey sent me a copy of your letter to him regarding the error I had fallen into, in issuing such instructions as I did for treating all the natives on the western side of the harbour of Tauranga as enemies, seizing their crops, cattle, &c. I feel very much obliged to you for the fearless and honourable way in which you did your duty on this occasion, thereby preventing me from being the cause of bringing much misery upon many innocent people."

The other letter, from Fox, was sevenfold more lengthy, and upbraided Mr. Smith for circulating the former instructions among the natives. If the government had desired their circulation Mr. Smith would have been told. "As you have acted entirely without instructions, the responsibility must rest solely with yourself." Mr. Smith's humane conduct appeared inconsistent with his verbal statements to ministers in Auckland, and he was ordered to explain it. Sir G. Grey (25th Jan.) thanked Col. Carey for staying his hand as to ravages, and told him to undertake no aggressive movement. If possible, he was to intercept armed parties passing by the Tauranga route to join the natives in arms in the interior. Most civilians are as unfit to control military events as children are to be trusted with gunpowder; and when thwarted in mischief will, like children, complain. Mr. Smith furnished a satisfactory explanation, but Fox and Whitaker roundly rated the just officer for sparing the property of the innocent. At a later date (3rd Feb.) they complained of the Governor's "correspondence with their subordinate officer, Mr. Smith."

With regard to the Maori prisoners, Mr. Dillon Bell (1st

Dec., 1863) had moved in the House that it was important that the policy of the government should be announced. The ministry made no statement and the motion lapsed, although, in seconding it, Mr. Weld said that though technically the prisoners were rebels, "morally they were not," and ought to be treated neither with maudlin philanthropy nor with "vengeance or hostility." The ministry soon showed their qualities. Retained for some weeks on board of H.M.S. "Curaçoa," the Rangiriri prisoners were, after the 24th Dec., confined in the hulk "Marion," moored under the guns of a man-of-war in the Auckland harbour. Sir G. Grey (29th Feb., 1864) urged the ministry to release, on parole, Te Oriori, who had on numerous occasions acted nobly towards the English. Looking to the rank and generosity of Te Oriori, Sir George thought that his release would produce an excellent effect. After many days Fox declared that the ministry objected to Te Oriori's release. Fox was about to make a journey, and on his return "ministers would be prepared to take the case of all the prisoners into consideration." It was not until the 7th April that Fox made any proposition; and then in reply "to his Excellency's request more than once repeated" the ministerial junto said they considered the trial of the prisoners ought to take place, if at all, under the Suppression of Rebellion Act of the recent session. But as that Act had not received Royal allowance they feared to use it lest, after trial, disallowance of the Act should bring about serious complications. "But as his Excellency has pressed so strongly (that the course to be adopted should be considered), ministers are prepared to surrender their own views, and acquiesce in that of his Excellency." Let the prisoners, therefore, be tried by a military tribunal under the Act not yet allowed. Sir G. Grey replied that he was not pressing that "the prisoners should be all brought to trial, but that some decision should be come to as to their future disposition." Uncertainty was producing a bad effect upon the natives, many of whom thought that the prisoners were to be put to death. Some might be tried, and others released on conditions. Moreover, he wished the trials to take place before the ordinary tribunals, and not before courts composed of military officers. Mr.

Whitaker then (19th April, 1864) took up the argument. Ministers were of opinion that all the prisoners should be tried, "and that none should at present be released," and that the most convenient mode would be under the Suppression of Rebellion Act. Militia officers might be mingled with military in the composition of the court. Sir G. Grey pointed out that already the imprisonment had lasted five months. Arms had been seized, houses and crops had been destroyed. The prisoners had lost the means of life. Their lands were deemed forfeit, and, though it was contemplated to give back small portions, without implements or stock the restitution would be of little worth.

"In addition to these punishments it is now proposed to bring all these prisoners, without reference to degrees of guilt, or services, or conduct (prior to the disturbances), to trial before military courts for high treason, and then the trial being over to determine what their ultimate disposal shall be, keeping them however in safe custody until peace is established. The Governor much regrets that his ministers should have rejected his earnest solicitations in favour of the chief, Te Oriori. He believes that many lives would have been saved by a compliance with his request. . . The course pursued in this matter has driven many natives to desperation, and has filled others, who have as yet taken no part in the rebellion, with distrust."

No captive chief, generously treated, would break conditions on which he might obtain his liberty. On the whole, believing that what his responsible advisers proposed surpassed in severity any punishment which Great Britain had inflicted in like cases, he would not take upon himself the responsibility of giving effect to their advice. He appealed to them to consider his position. In England the Crown was not active in giving the absolute orders to suppress riot or rebellion. Some functionary was held responsible. In New Zealand, the Governor was compelled to issue orders to the military and naval authorities. Ostensibly his, the orders were really those of ministers. Yet he would be held responsible if any act of his should "appear to the government and people of England unnecessarily severe or unjust, or to have a tendency to prolong, without sufficient object, a civil war." If he remembered at this juncture his acceptance of the resolutions of the House in Aug., 1862, on the ground that practically while he was in New Zealand the result would be the same, his reflections must have been bitter. Whitaker replied that the objection

to release any prisoner on parole was insuperable; that Te Oriori had claims for consideration, but was infirm of purpose, and could not therefore be trusted; and that ministers had not such an exalted opinion of the parole of a chief as the Governor had. The arrest and long imprisonment of Rauparaha by Sir G. Grey, in 1846, was now thrown in his teeth by the men who had used his influence in obtaining troops and his administrative ability in the commencement of the war, and would make him their slave when they were presumptuous of success. As for the general question of responsibility, there were differences between the English and Colonial Government; "but if his Excellency means that responsibility for the acts of the Government in New Zealand rests with him, and not with ministers, they feel it to be their duty respectfully to express their dissent from that view."

The dreary correspondence was protracted for months. In vain Sir G. Grey furnished a report from the interpreter serving with the forces (28th April, 1864) showing that Rewi, though anxious to make peace, was deterred by the treatment of the prisoners. Friendly chiefs piteously entreated, but in vain, that the captives might be allowed to leave the hulk and live on shore. Sir G. Grey (29th April) said that he feared the recent slaughter at Orakau, including women, might with justice be traced to the unexplained detention of prisoners, especially of Te Oriori. He dreaded a recurrence of such events. "He has done his utmost at all times to promote the views of his ministers, and wished to show that on a point where he felt so strongly, a responsibility really rested on him, which gave him a strong claim on their consideration, which he hopes they will yet recognize." He might as well have appealed to the timbers of the hulk in which the prisoners were immured. Whitaker, professing a desire to be compliant, regretted the difference which had arisen, but would not consent to release any prisoner. Fox asserted that they were very comfortable and in excellent health in the hulk; but the principal medical officer in the colony, and the sanitary officer for the troops, reported that the seeds of disease were being sown in the captives by reason of the unfitness of their prison. A special request was

made to Mr. Fox in May for straw mattresses, in order that the prisoners of war might not be compelled to sleep upon hard boards. (In the same month the surgeon in charge reported that Te Oriori and six others should at once be removed to the shore, where with "exercise and other hygienic measures they will be allowed a fair chance of renovating their shattered constitutions.") It was not until nearly a month after this request was made to Fox that it became known to the Governor. Fox, when reminded of this concealment, insolently wrote (June, 1864) that the ministry only were responsible, and that it was not customary to lay before the Governor reports on "other prisoners in the various gaols of the colony." On the 4th June, the first winter month, the sanitary officer of the troops reported that "none of the prisoners had anything to lie upon save the deck of the ship." Such being the conduct of his ministers it was well that Sir G. Grey had consulted the Secretary of State. On the 6th April he had narrated the facts. On the 7th May he had asked that, if necessary, he might receive commands on the subject. He wrote to the Duke of Newcastle, but that nobleman did not receive his letter. Early in 1864 the Duke's health failed, and he was succeeded in April by Mr. Cardwell. It would have been well for humanity, and might have restored the feeble statesman, if he had retired earlier, and left to the firmer grasp of Mr. Cardwell the reins which he had held to so little purpose. As it was, he died in a few months. The evil effects of his sanction of the Waitara rapine could neither die nor be forgotten.

To Sir G. Grey's first recapitulation of his difficulties Mr. Cardwell replied (June, 1864) that he was led to conjecture that if the ministry had concurred in a definite and generous course, evils and loss of life might have been avoided.

"On this I think it necessary to observe, that while I fully recognize the general right and duty of the colonial government to deal with matters of native policy, properly so called, I consider that while active operations are being carried on under the conduct of Her Majesty's officers, and in the main by Her Majesty's military and naval forces, it is for the Governor personally, as representative of the Imperial government, to decide upon the fate of persons who are taken prisoners in the course of these military operations. And although, before adopting any such decision, I should wish you to obtain the advice, and, if possible, the concurrence of the

ministers, I do not consider that concurrence indispensable. But, subject always to the positive law of the colony, I hold you entitled to determine, and I look to you for determining, whether such prisoners or any of them shall be released on parole or otherwise, or whether they shall be kept under such control as may legally be applied to them as prisoners of war, or whether they shall be handed over to the civil authorities to be dealt with as criminals. I shall therefore be fully prepared to support you, in case you should have thought it necessary, with or without the consent of your ministers, so to deal with these prisoners as, in your opinion, the public interests may have required."

At a later date (26th July), adverting to Sir G. Grey's statement that the Governor would be held responsible in England if needless severity were used, Mr. Cardwell said: "You appear to me rightly to interpret your position in the observations you have addressed to your ministers." On the 26th May he had written:

"I entirely anticipate that your ministers will be animated by a just sense of the exertions and sacrifices which have already been made by the mother country, and that on colonial grounds they will be as anxious as you can be yourself to terminate the present hostilities. But it is my duty to say to you plainly that, if unfortunately their opinion should be different from your own as to the terms of peace, Her Majesty's government expect you to act upon your own judgment, and to state to your ministers explicitly that an army of 10,000 English troops has been placed at your disposal for objects of great Imperial, and not for the attainment of any mere local object; that your responsibility to the Crown is paramount, and that you will not continue the expenditure of blood and treasure longer than is absolutely necessary for the establishment of a just and enduring peace."

Of these words he now reminded the Governor. As to the wisdom of releasing Te Oriori, only presence on the spot could justify an opinion. Mr. Cardwell gave none.

"What I do feel it my duty to say to you plainly is, that the aid of the mother country in men and money is given to the colony on the understanding that the military measures which have unhappily become necessary shall be directed by you in concert with the distinguished General in command. I shall be perfectly ready to support you in any measures which, not breaking any positive law of the colony, and after consulting with the General, you may have thought it necessary to take."

The Whitaker-Fox ministry would not consent to the publication of these despatches in the usual manner. They doubtless deplored the events which had called to the Colonial office so clear a judgment as that of Mr. Cardwell. On general policy he was equally decided, and a remarkable despatch (26th April, 1864) will demand special consideration.

At the resumption of warlike operations, the state of the tribes may be summarily stated. Dr. Featherston, Superintendent at Wellington, visited the west coast, and found Wi Tako friendly to the colonists, although not angered against the Maori king. The capture of Rangiriri was commented on, the chiefs being "highly pleased at the fraternizing of the soldiers with the natives at Rangiriri, with the compliment paid them by General Cameron, and the kind treatment (as they believed) the prisoners were receiving." Dr. Featherston temporarily adjusted a dispute about land between the Ngatiapa and the Rangitane and Ngatiraukawa tribes. At the discussions the natives showed "calmness and moderation." For a time, as far north as Wanganui, the west coast was (Feb., 1864) deemed safe. In March, Colonel Warre, commanding at Taranaki, captured without loss the rebel positions at Kaitake, near Oakura, and at Au Au. "The beautiful practice of the Armstrong guns set fire to a whā-rĕ" at the very hour fixed for an advance, and availing themselves of the "fortunate accident," under cover of the smoke, assaulting parties entered the works, from which the Maoris rapidly escaped, having wounded only two soldiers. In April, flying columns having destroyed Maori crops and cultivations, Colonel Warre reported that "every acre of cultivation was cleared within twenty miles to the south of Taranaki." In the same month, Captain Lloyd (57th Regt.), with a reconnoitring party of 100 men, while destroying a Maori plantation, was surprised by an ambuscade at Te Ahuahu. He and six others were killed, and twelve were wounded. The heads of Captain Lloyd and five others were carried away. There was a rumour that this atrocity was provoked by the taking of the head of a Maori by a European for scientific purposes; but the occurrence was not proved. At the end of the month a number of Maoris, after dancing a war dance, attacked a redoubt at Sentry Hill. Captain Shortt (57th Regt.) had ordered his men to sit concealed till told to fire. When the Maoris approached they were met by heavy volleys and shells from a cohorn. They fled, leaving more than thirty dead and many wounded. Only one soldier was wounded. Colonel Warre reported that the confidence shaken by the death of Captain Lloyd was

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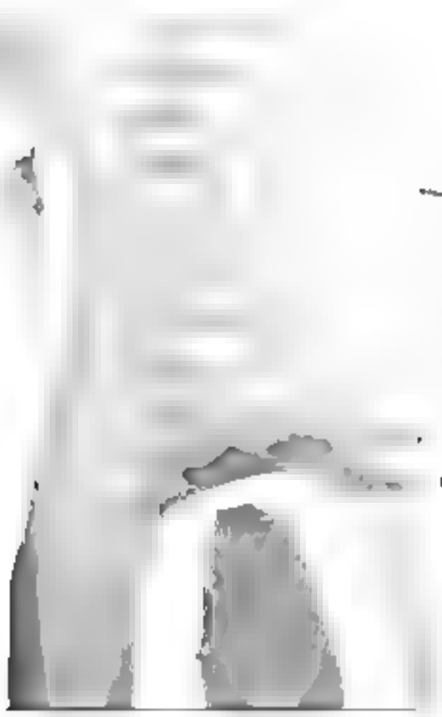
musketry poured deadly hail among them, at first they stood calmly, and their strange leader again sang and waved his arms. A rifle-bullet dispelled the charm, and when nearly two score had fallen the Maoris fled. The brother prophets declared that Hepaniah had offended the Angel Gabriel, and one of them, Matene, went southwards to make fresh converts, and attack the settlement of Wanganui. Matene applied to the Wanganui natives for permission to pass down the river. It was refused. The prophet was willing to wait two months, but Hemi Nape, Mete Kingi, and others, tired of negotiations, challenged him to battle on the island of Moutoa, in the river Wanganui. There was alarm in the settlement, where the real force of the rebels was unknown and where the garrison contained 300 soldiers. Matene accepted the challenge sent to him. Neither army was to surprise the other. The time appointed was daybreak on the 14th May. The island was about 300 yards long and 20 wide. At daybreak Hemi Napi was posted at the place where the Hau Haus were to land. Mete Kingi followed with the reserve. The advance-party was in three bands; ten men were commanded by Kereti, nine by Hemi and Riwai, fifteen by Aperaniko and Haimona. The river was low, and the friends of the settlers on the left bank could wade easily to and from the island. From the right bank the Hau Hau fanatics had to move in canoes, from which they were allowed to land without opposition. They also formed advance-companies, with a reserve in rear. There were not 150 of them, and many were boys. The Wanganui army was nearly 300 strong. When the Hau Haus had formed their battle-array within twenty yards of their enemies they commenced their incantations, and continued them for two hours. Like Hepaniah, they thought themselves invulnerable, and believed that their enemies would be nerveless. A Hau Hau fired a shot. The forces slowly advanced, and when within ten yards of each other fired volleys with mutual effect. Kereti's fall dispirited his friends. When Hemi and Riwai were also killed the army fled in terror, and some crossed to the river-bank. Haimona, reaching the end of the island, shouted, "I will go no further," rallied a few less superstitious than the rest,



and must be surrendered to her. We come to surrender them. But still our hearts are sad. . . ." At this appeal the man overcame the official in Dr. Featherston. "To understand and appreciate its pathos (he wrote) every word must have been heard and the speaker seen." He promised that if Hori Kingi and other chiefs would write to the Governor he would support their prayer for a pardon. The old chief's eyes glistened with delight; he sprang up, hailed the five canoes in advance to stop, and gave them in a few figurative words what appeared a mere hint of what Dr. Featherston had said. "But this was quite sufficient; the gloom which had hung over them instantly disappeared; a cry of joy burst from the whole of them, and off they started, plying their paddles with tenfold vigour, and there was no longer silence, but the usual cries and songs resounded from every canoe."

In Wanganui there was public grief when Hemi Nape and a brother chief were buried. The garrison, the civilians, and many settlers were in the funeral procession, and the general sympathy touched the Maoris. Dr. Featherston reported that "kingism was doomed, and that there was never so little prospect of the peace of the west coast being disturbed." Hori Kingi's eloquence was not spent in vain. Sir G. Grey, with the concurrence of his ministry, handed over all the prisoners to the friendly natives on parole. The light and darkness of Maori life were never more strangely exemplified. At the pah where Te Raimona was delivered to Dr. Featherston, Matene's men had dug too large ovens in which to cook the foes, at whose intercession the Hau Hau prisoners were now to be released. Dr. Featherston's influence did much to ensure peace. Wi Tako Ngatata, who had leaned to the Maori king, would not ally himself to the "mad Hau Hau prophets." "My kind of kingism," he said, "would never have ended thus. It was calculated to bring forth good fruits only. I have nothing to be ashamed of when I meet the tribes. I was faithful to kingism till it died, and I had no hand in its death." In a clear voice, on 3rd June, 1863, he took the oath of allegiance, and his subsequent exertions mainly contributed to suppress disaffection in the southern parts of the island.

Must not the prophecy of Sir Wm. Martin[20] have run like iron into the hearts of any who were capable of reason? Eighteen years had passed since he had said that the confiscation and seizure of land proposed by Earl Grey would, if adopted, make Maoris think the English a nation of liars, and cause them to abandon the faith they had accepted at the hands of those whose words were found unworthy of trust. The deed done at Waitara justified the fears, and the wild orgies of the new sect convinced the most sceptical of the wisdom, of the good man whom Colonel Browne and Mr. Richmond, and, at a later date, Fox and Whitaker refused to regard.

In 1864, the Government forces took possession of various places in the Waitara district. A strongly-fortified pah, Manutahi, was abandoned after trifling resistance, and Te Arei, at Pukerangiora, which the General had approached by sap, in 1861, fell into Colonel Warre's hands in October, without a struggle. He was piloted by friendly natives, and the enemy were few in number. Neither Rewi, nor Te Rangitake, nor Hapurona were there. Rewi and the men of Ngatimaniapoto had serious work at their own homes. Colonel Warre scoured the country, destroyed villages wherever he could find them, and, having driven men, women, and children from their homes to fastnesses or wilds in the interior, placed a strong garrison at Te Arei.

The attitude of the Ngatikahungunu tribe, whose territory extended on the east coast from Wellington to Napier, was an object of concern to the Government. There were feuds between the tribes on the Wairoa river. Major Whitmore, Civil Commissioner at Napier, urged them to be reconciled, and accept one law for all. He reported that it was possible to keep on good terms with the Ngatikahungunu, but that men had gone to the war at Waikato from the Ngatiporou at the East Cape and from the rugged Uriwera territory. The Bishop of Waiapu (William Williams) reported much ferment in Feb. at Poverty Bay on the subject of land confiscations. The natives wanted to see the Governor. Meanwhile, the war at Waikato, and the intended devasta-

[20] Vol. i., p. 437.

tion at Tauranga, which was frustrated for a time by the Civil Commissioner's prudence, occupied attention.

Having occupied Ngaruawahia without opposition (Dec., 1863), General Cameron, after a few weeks, advanced along the Waipa River to Te Rore. The Maoris were entrenched at Paterangi, situate in a country where, in what was called the Great Waikato Plain, low ridges and mounds are surrounded or intersected by swamps and winding valleys with swampy hollows. High fern intermingling with flax and low manukau scrub gave cover to scouting parties. A few miles to the south-east were Te Awamutu, whence Mr. Gorst had been expelled, Kihi Kihi (Rewi's settlement), and Rangiaohia, all situate in a rich part of the Waikato campaign. Thence large quantities of wheat had been sent to Auckland in years gone by, ministering to the wants of colonists, and supplying Maoris with means to procure firearms. The works of the Maoris at Paterangi were unusually intricate. Line upon line of zigzag rifle-pits intersected the slopes of fern-covered ridges. The General bombarded from a distance, but made no impression, and his Maori allies advised him not to attempt to storm. The Bishop, writing from the camp at Te Rore (4th Feb.), said that the Maoris had "so strengthened their position by earthworks that the General is obliged to proceed cautiously and systematically. The popular idea of 'rushing' seems to have been abandoned since Rangiriri." On the 11th Feb., about 50 soldiers were fired at on their way to bathe in the Mangapiko river. Colonel Waddy sent reinforcements, and the Maoris only escaped destruction in consequence of the uneven and fern-covered nature of the ground. The General witnessed the skirmish, and highly praised the officers engaged. Lieut.-Col. Havelock reported that the action cost the Maoris 28 men killed, and two wounded prisoners. Of the English, six were killed, and a few wounded. As regarded the inclusion of women in the horrors of war, the General, by the aid of the Forest Rangers, was about to be associated with a deed which contributed to forfeit for Bishop Selwyn his place in Maori affections. The Bishop hoped, by accompanying the troops, to soften the rigours of war, and administer consolation to the wounded without regard to the side on which

they had fought. But the Waikato tribes would not believe that man to be their friend who marched with their enemies.[21] He was fired at as he rode from post to post; but, as of yore at Korararika, he went about the field of battle to succour the wounded. On one occasion he was with an officer carrying a wounded enemy to the camp, and meeting two soldiers received their help. As he carried the relieving soldier's rifle, he was reproached for having acted in a warlike manner.

Wiremu Nera strove to induce the tribes to make peace. He found the king-maker at Maungatautari willing to remain quiet if not attacked. Others were more warlike. But at Paterangi neither the Ngatimaniapoto, under Rewi, nor the Ngatiraukawa, nor any others would listen to persuasion. One chief stood up and said, "Welcome, welcome, son. Peace shall not be made. If we are to die we will die in Waikato." Unable to influence his brethren, Wiremu Nera returned to the General and provided him with guides. One service rendered to the General by the friendly Maoris was in deterring him from assaulting the lines of Paterangi. Within them the Maoris, provided with potatoes for immediate wants, longed to be attacked. Their chief depôt for food was at Rangiaohia, and thither the General proceeded at midnight (20th Feb.) with about 1100 men, to surprise the encampment, and annihilate the Maori commissariat. Colonel Waddy, with about 600, remained at

[21] Writing to a brother bishop, Selwyn said, in 1863: "I have now one simple missionary idea before me, that of watching over the remnant that is left. Our native work is a remnant in two senses,—the remnant of a decaying people and the remnant of a decaying faith. The works of which you hear are not the works of heathens; they are the works of baptized men whose love has grown cold from causes common to all churches of neophytes from Laodicea downwards."

[1894.—The foregoing note is left as originally published in 1883. But for the fact that a newspaper published an absurd statement that the author had striven "to incriminate the great and good Bishop Selwyn," it might have been thought impossible to impugn the author's reverent admiration for the Bishop in all his relations with the Maoris. The author has been comforted by the personal assurance of Bishop Selwyn's son (himself a bishop) that he was gratified with the manner in which his father's career is treated in this work. If the son's testimony should fail to ward off aspersion, it may be added that if any words in this book can be wrested so as to inculpate the Bishop's conduct towards the Maoris the author renounces them as foreign to his purpose and false to his meaning.] See below (pp. 358, 359, cap. xiii.) the Bishop's own words.

Te Rore in front of Paterangi. At daybreak the General pushed on from Te Awamutu to Rangiaohia. "The few natives who were found in the place," he said, "were quickly dispersed, and the greater part escaped, but a few of them, taking shelter in a whare, made a desperate resistance until the Forest Rangers and a company of the 65th surrounded the whare, which was set on fire, and the defenders either killed or taken prisoners." This was the official report of an occurrence in which women and children were burned to death. General Cameron knew not, when he thus wrote, the truth, which was subsequently ascertained.[22]

Of what avail was it to preach peace to the Maoris, and tell them to be merciful, when a British force, commanded by a General, and accompanied by a Bishop, burnt women and children in a Maori house? Was it to be wondered at that a great grief came upon the Bishop when he heard that a plot was laid by the enemy to take his life? The successful General returned to Te Awamutu with 21 women and children who were not burned. He had fluttered the Maoris effectually. Though their men of war were at Paterangi and Maungatautari, their principal food stores, such as they were, had been destroyed at Rangiaohia. The grief of the Maoris at Paterangi was intense. They had expected the General to fight according to Maori principles with the foe ready to meet him. Their rage at being outwitted by the flank-movement which left them idle, and destroyed their supplies, was intensified by reports of the burning of women and children. Gathering their ammunition together, they evacuated Paterangi, and were seen moving to Rangiaohia on the morning of the 22nd Feb., at which time also Colonel Waddy and his forces found Paterangi empty. The General marched against a band of Maoris between Rangiaohia and Te Awamutu in the after-

[22] [1894.—It has been denied in a newspaper that women were known to have been in the whare. The Maori assertion that women were there is not deemed sufficient evidence of the fact. The disputer, however, confessed that a forest ranger "put a torch to the roof," that the remains of the bodies found in the ashes "were frightfully scorched," that he "saw them," and that "no one dreamed of making an inspection to ascertain sexes." He considerately added—"Of course women and children may have been killed at Rangiaohia."]

[illegible] and thought that at least 30 of them [illegible] main body fled through a swamp towards [illegible] where a pah was in course of construction. [illegible] and on the 22nd twenty-one English [illegible] the returns of killed and wounded. The [illegible] at Te Awamutu was but a short distance [illegible] Kihikihi settlement, and both were near [illegible] to be rendered famous in New Zealand story. [illegible] documents written at this period may be referred to. [illegible] to allay the Duke of Newcastle's apprehen- [illegible] the Maoris should be embittered by confiscation [illegible] stated—in a formal minute drawn up for transmis- [illegible] Downing Street—that "though the proceedings of the government were at first naturally looked upon with some anxiety and distrust by the natives, those feelings have much subsided generally, and in some instances complete confidence has been established in the intentions of the government;" and that "every means have been taken to persuade the Maoris in general, that the property of innocent persons and tribes will be strictly respected, and that the measure of punishment will be apportioned to the degree of guilt."

Sir G. Grey transmitted the minute as an indication that the ministry recognized the wisdom of the Duke of Newcastle's views, and would act justly. Yet, at that date, Sir G. Grey was vainly imploring for the release of Te Oriori; and Whitaker had officially urged, with regard to the Settlements Act of 1863, that, unless innocent native occupants could be evicted, the Act would be almost useless. Mr. Whitaker's minute was scarcely dry when Aihipene, a loyal chief, wrote from Waiuku (1st March) to Mr. Fox, saying, that he heard from trustworthy sources that the obduracy of Waikato was caused by distrust, and fear that if the chiefs should submit they would be tried, transported, and put to death.

"This is the cause of their sadness, and in persisting in their evil course unto death. The heart of our sister Ngawai, when she heard these words, started with love to her people, and a desire to hear your words and those of the Governor, and to go to Waikato to suppress the evil, and cause the fighting to cease. . . . It is for you to decide. . . . If you think well, I and Waatu Kukutai would take our sister to make peace with the chiefs, and cause their king to be suppressed, their flag to be given up, and the instruments of war to be surrendered."

Mr. Fox paid no attention to Aihipene's entreaty, but (9th March) said that, on his return from Kaipara, ministers would think about the prisoners. He sent a draft proclamation which might be issued after the taking of Maungatautari. It told the hostile tribes that they had "been very obstinate, and now their land, the land of Waikato, is gone." The government would give them "one more chance." Let every man bring in his weapons, and sign a declaration of submission. "Then let him go to whatever place the government shall tell him to go to; let him live there till it shall be pointed out to him where shall be his permanent place to reside." But "murderers shall not be forgiven." This announcement it was proposed to make to the widowers and orphans of Rangiaohia. Burial-places and homes, however venerated and beloved, were to be abandoned to the invader, at whose dictate the exiles were to be permitted to breathe. Subsequently (6th May, 1864) Mr. Fox vilipended Aihipene's appeal. The chief was not "trustworthy or disinterested;" some of his "immediate relatives" captured at Rangiriri were on board the hulk, and his assertion as to the injurious effect of their confinement was only made to procure their release, and was "not in the opinion of ministers of the smallest value whatever." It was time for Mr. Cardwell to come to the rescue when Whitaker and Fox, dressed in brief authority, were prepared thus to use Her Majesty's name and wield Her Majesty's army in enforcing their behests.

Some eyes in England were observing them. The Aborigines' Protection Society wrote to Sir G. Grey, expressing alarm at the wholesale land-confiscation proposed. Such a policy would add fuel to the flames, and drive the Maoris to the madness of despair. The names of Fowell Buxton, Joseph Pease, Newman Hall, S. Gurney, M.P., William Howitt, were attached with those of the Earl of Chichester, Lord Ebury, Sir Walter Trevelyan, Sir Wilfrid Lawson, General Perronet Thompson, Mr. F. W. Chesson, and many more. Sir G. Grey showed his reply to Mr. Fox. Premising that some confiscation was needed as an example, he added: "That these measures will be carried out in a spirit of liberal generosity and of mercy I earnestly hope, and will do my best to ensure, and in my efforts to this end

I believe that I shall be supported by a large majority in this colony." Mr. Fox wrote: "The Colonial Secretary entirely concurs in his Excellency's observations, and does not think it necessary to offer any on the part of the ministry." But the ministry changed their minds, and sent a long memorandum (5th May) to the Earl of Chichester. Sweeping confiscation was, in their eyes, a moral lesson.

"The deliberate opinion of ministers is, that to terminate the present insurrection without confiscation of the lands of the rebels, making, of course, ample provision for their future, would be to surrender every advantage that has been gained, and practically to announce that British rule over the Maori must cease, and the Northern Island be abandoned as a safe place of residence for Her Majesty's European subjects."[23] . . . Ministers believe that nothing has been, or can be, more "pernicious to the native race than the possession of large territories under tribal title, which they neither use, know how to use, nor can be induced to use."

They denounced the "pernicious system of tribal right," the maintenance of which was guaranteed by the treaty of Waitangi. To flaunt their determination in the eyes of the public, they published their memorandum, and asked the Governor's permission to publish his letter to Lord Chichester. Mr. Fox considered that as Lord Chichester's letter had been published in the "Times" before its receipt, the Governor was released from ordinary rules, but Sir G. Grey declined to imitate an informality.

It is necessary to revert to operations in the field, for his "invaluable services" in which, at "great personal risk and convenience," the Secretary of State, in acknowledging military reports, rendered to Bishop Selwyn his "sincerest thanks." The department which had spurned the Bishop's counsel at Waitara was proud of his presence at Paterangi. The General, meanwhile, hearing that the Maoris were gathering together for a final struggle at Maungatautari under the guidance of the king-maker, resolved to reduce

[23] When first shown to Sir G. Grey, the memorandum contained a quotation from a work by the Rev. Mr. Taylor, in which the author was quoted as blaming Governor Fitzroy for not having claimed land as having been paid for with blood. Sir G. Grey apprised Mr. Taylor, who dissented from Fox's representation, and after numerous minutes, Fox withdrew Mr. Taylor's name from his letter to Lord Chichester. A kindred attempt by Mr. Fox to quote Bishop Williams as an advocate of such confiscation as Fox proposed was recorded in the first edition of this work (Vol. ii., p. 251). It is sufficient to refer to it here.

their stronghold there—Ti Tiki o te Hingarangi. His own head-quarters were at Pukerimu, where spurs from the Maungatautari range trend to the left bank of the Waikato river, above the modern town Cambridge. He could there obtain supplies by the waters of the river. The Maoris had miscalculated the facilities with which ample resources could provide the military commissariat at points remote from Auckland. Their own scanty stores had suffered in the ravages at Rangiaohia. After evacuating Paterangi many of them were scattered in bands near the Puniu river. Most of the women and children were removed southwards towards the upper waters of the Waipa. Some ammunition was secreted in convenient places, but the Maoris did not at once select a new place of defence. Brig.-Gen. G. J. Carey was stationed with a large force at Te Awamutu. A band of Maoris roving over their desolated land were passing Orakau, about three miles from Kihikihi, when one of them said: "This is my father's land. Here will I fight." The chiefs began to discuss the matter, but he was resolute, and prevailed. There was no apparent strength in the position. It was one of those low rolling mounds which characterized the country. Northwards the land sloped downwards almost imperceptibly to a patch of forest. Westward it was almost level with Orakau. From the south-west a ridge curved round by the south to the south-east at a distance varying from 250 to 350 yards, leaving a hollow between the pah and the crest of the ridge at the south-east. Eastward there was a gentle slope, and across a gully at a distance of several hundred yards the land rose again to the level of Orakau. Beyond the curving ridge was a swamp, at the other side of which, at the south-east, rose a steep but not very high mound which narrowed the swamp in that direction. Southwards the ridge was steep, and about 40 feet high, where it overlooked the narrow swamp which separated it from the mound which was higher than the ridge. Almost at the southern foot of the ridge there was a deep ditch with a steep bank above it, which had been made in former times to keep cattle from Maori cultivations. The ground was covered with fern and occasional flax-plants. On the 30th March, General Carey heard that the enemy were constructing rifle-pits at Orakau. They had fired upon some colonial

troops who stumbled by chance upon the spot. He resolved to surround the position before it could be fortified. He sent 250 of the 40th Regt. by a circuitous route to occupy the rear of the enemy. At three o'clock in the morning, with about 700 men, composed of Artillery, Engineers (40th and 65th Regts.) and about 25 of the Forest Rangers, he marched past the Kihikihi Redoubt to Orakau, taking 150 men from Kihikihi on the way. Captain Blewitt was ordered to move from Pangiaohia to the east side of Orakau with about 114 men, composed of the 65th Regt. and the 3rd Waikato Militia. The three forces were to converge near Orakau simultaneously at daylight. The combined forces were more than 1250. The Maoris have been variously computed at from 300 to 400,[24] including women and children. The Brigadier was in front of Orakau at day-dawn.

Rewi's experience at the Waitara in the construction of gabions and sap-rollers was used at Orakau. From the ridge to the south-west a heavy gun hurled shot upon the pah. Scantily long bundles of fern were cut and bound with strips of green flax until a mass of yielding fern stopped the cannon balls and guarded the earthworks. Then Rewi turned to other tasks. Firing was kept up throughout the day and night both upon the sap and elsewhere. Thus the beleaguered Maoris spent the night. They had no water. Their food was a scanty store of raw potatoes and a few gourds. Though taken by surprise, they were already, according to Carey's narrative, posted behind earthworks, with flank defences, deep ditches, posts and rails; and were sheltered from view by flax bushes, peach trees, and high fern. The English advanced guard under Captain Ring was fired upon, and rushed to the assault. Driven back, it was reinforced, and renewed the assault with a similar result. Captain Ring fell, mortally wounded. Captain T. D. Baker[25] (18th Regt.) dismounted, called for volunteers, and led an attack, which was again

[24] General Cameron reported that "they had probably not less than 150 men killed out of a garrison not exceeding 300." Despatch, 7th April,

[25] Afterwards distinguished at Ashantee and Afghan, and in high position War Office in London.

unsuccessful. The Brigadier, knowing that his subordinates were at their appointed posts on the right and in rear of the enemy, determined to take the place by sap, the artillery having failed to make an impression on the works. Care was taken to prevent escape, and it was deemed certain that the enemy, thus surprised, could have no store of food. In the afternoon a band of Maoris appeared in the Maungatautari direction. They had come to relieve, but could only fire volleys and dance their war-dance to encourage their countrymen. The English lines were too strong for them, and shells were thrown upon them. The Brigadier himself was reinforced by about 400 men in the course of the day and ensuing night. The sap was carried on without intermission. Carey reported that futile efforts to escape were made in the night by a few Maoris, who, when fired upon, retreated to their works. In the morning they fired at the sappers, but the work went on unchecked by casualties. Thus another day and another night were spent.

On the 2nd April, Lieut.-Col. Havelock[26] arrived with hand-grenades, which were thrown "with great effect" amongst the besieged. At noon an Armstrong gun was carried into the sap. It made a breach, and silenced some of the Maori fire. Women and children were in the pah, and the enemy were called on to surrender with a promise that their lives should be spared. They answered: "Ka whawhai tonu—ake, ake, ake."—"We will fight to the bitter end; for ever and ever." The interpreter urged them to send out the women and children. They answered: "The women will fight too." But they suffered severely in the rifle-pits, which they had not had time to construct with care. The oblong rifle-pit of the Maori held five or six men. At two of its angles it communicated with other pits so that men could pass from pit to pit along the line. Thus was formed a double line of pits with intervals of solid earth between each. The hastily-formed Orakau pits did not in all cases afford such facilities, and the hand-grenades thrown into them so rent the bodies of the Maoris that many were unrecognizable. Weary with incessant work,

[26] Afterwards General Sir Havelock-Allan.

decimated by the riving grenades; athirst, starved, and girt by a ring of fire, the garrison would "not yield to kiss the ground beneath the feet" of Whitaker and Fox. Though reluctant to see gallant blood hopelessly shed, the Brigadier (with whose operations Cameron, though present, did not interfere), when the sap was completed, ordered an assault. Of a score of men who entered one breach, half fell beneath a volley which the Maoris delivered before they rushed to their inner works. A second assault at another breach fared in like manner. The British officers were consulting as to the next step to be taken, while the Maoris faced the fearful truth that their ammunition was almost spent. Powder they had, but their bullets were few. And Rewi had a store of them buried in the fern some miles away! Famished and athirst—apparently without a loophole of escape—no Maori thought of yielding. In their distress they sang a hymn taught them by the Christians. Perhaps the Christian God would look down in pity. But still the Pakeha pressed on. Then sterner, bloodier thoughts succeeded. The superstitious savage confounded the Christian God with the deeds done by those who profaned His name. The Maori would discard the creed taught by the robbers of his land. They were a nation of liars. While the Bishop and his friends invited the Maori to look to heaven, the Pakehas had stolen the land from under his feet. The Bishop, calling himself a man of peace, marched with the soldiers. The Maoris would scorn him and all his works. They would appeal to their own god of fierce man. Tu-matauenga, with dreadful aspect; Tu-ka riri, the angry; Tu-ka nguha, the fiery; Tu-ka taua, the war-lover; Tu whakaheke, the man-destroyer; Tu-mata waita, eye-piercing;—surely, by one of his attributes, the great Tu would aid his children, or confound their enemies. They chanted a karakia, or imprecation of old days, long disused in Maori land. Their voices were heard by the wondering English, who were to marvel still more at their daring. At the rear, where the thunders of the great gun had been foiled by the flax-bound fern, a double line of the investing troops had been thrown back[27] under cover to enable the

[27] Brigadier-General Carey's Official Report, 7th April, 1864. P.P.

gun to open fire. Through that opening, about four o'clock in the broad day, chanting their appeal to the god of battles, and moving steadily as in scorn of their foes, the Maoris marched towards the narrow neck of swamp between the ridge and mound. Carey said they rushed. Mr. Fox writes that an eye-witness told him, "They were in a solid column, the women, the children, and the great chiefs in the centre, and they marched out as cool and steady as if they had been going to church." Rewi ordered that no shot should be fired. The little ammunition left was needed for defence in the desperate course through the swamp to be crossed on the way to the Puniu river. Ere he left his blood-spattered fortification he must have cast a lingering look on the home of his ancestry. On his right to the east stood Maungatautari about fifteen miles away, like a sentinel guarding the land on one side of the great Waikato plain; Pirongia at similar distance westwards seemed to hold like function by the Waipa. Close to him, on his left, was his own settlement Kihikihi, now ravaged by the Pakeha. Could he but cross the Puniu he might find shelter in the forests of Rangitoto looming large in the south. But when all looked to him for guidance, prompt action was required. Some accounts state that, as if to deceive the troops and gain time for the fugitives, a Maori, while his countrymen departed, sprang with a white flag on the parapet and was riddled with bullets. One chief, more successful, diverted the assailants for a few moments. Wiremu Karamoa walked coolly towards the troops and surrendered.[28] Suddenly the truth was known. "They are escaping," was echoed amongst the besiegers. Before the Maoris reached the ridge in rear, on right and left the soldiers converged upon them in the ferny hollow, and many fell under a cross fire in which some soldiers shot their comrades, and it was thought that the Maoris were returning the fire. But Rewi husbanded his ammunition still. The devoted band gained the ridge, thinned in number, but moving forward like one man. At the base of the outer side of the ridge were a few of the 40th Regt. keeping outer guard. As the Maoris leaped over the old

[28] Report of Mr. R. C. Mainwaring to Mr. Fox. P.P., 1864.

ditch which once protected their plantations a bugler sounded a call. "May I not shoot him?" said one man. Rewi said "No!" but another Maori as he passed the ditch shot the bugler dead. The swamp was reached. Many of the fugitives gained the mound across the neck of swamp, and there a body of cavalry which had ridden to intercept them, slew, with the aid of the pursuing infantry, considerable numbers, some of whom were women. Wading and plunging through the swamp, and using in utmost need their remnant of ammunition, the main body gained the Puniu river, and escaped, after a pursuit which the Brigadier described as lasting "nearly six miles." He regretted that "in the pah and in the pursuit some three or four women were killed unavoidably (their dress and hair "rendering it impossible to distinguish one from the other at any distance.") He underrated the number. Amongst the wounded were found six, and many more were killed and wounded.[29] A report by an interpreter declared—"Numbers are wounded, and I regret to say a large quantity of women." More than a hundred Maoris were found dead, and at the most distant point of pursuit it was seen that the wounded were carried by their friends, while fresh traces of blood in the morning showed that the same occupation was followed during the night. The English loss was 16 killed and 52 wounded. It was hoped that the body of Rewi might be found. The General offered £10 for it. The bodies which were not shattered were recognized by the friendly Maoris who accompanied the English. The troops buried their enemies, some at the edge of Orakau, and others on the mound at the south-east where the cavalry had crossed the flyers. The conduct of the troops was highly extolled by the General, who returned at once to Pukerimu. Of the Maoris, he said—

"They had probably not less than 150 men killed out of a garrison not exceeding 300. "It is impossible not to admire the heroic courage and

[29] An English soldier described to the author how a Maori without ammunition for some time protected the women and children fleeing with him. As his pursuers approached he turned and knelt down to take deliberate aim. Time after time, without firing a shot, he thus arrested the pursuit while the women fled. At last he was himself shot, and it was found that his gun was not loaded. Some of the women escaped by means of the self-sacrifice of this unnamed Maori hero.

devotion of the natives in defending themselves so long against overwhelming numbers. Surrounded closely on all sides, cut off from their supply of water, and deprived of all hope of succour, they resolutely held their ground for more than two days, and did not abandon their position until the sap had reached the ditch of their last entrenchment."

It was soon ascertained that Rewi had escorted his people to Hangatiki, and was building a pah there. No one was permitted to enter or leave the district without his permission. Thither Brig.-Gen. Carey sent a Maori messenger to press the terms of peace offered by the Governor and General. The messenger was not allowed to see Rewi, but was told that the terms could not be accepted, lest faith should be broken as it had been broken with the prisoners taken at Rangiriri. The offers to spare life at Orakau had been refused by Rewi for the same reason. He would not by giving up his arms place himself at the General's mercy, but was willing to live in peace if unmolested. Sir G. Grey bitterly deplored that the obstinacy of the ministry in refusing to release any of the captives gave strength to the life-despising despair of the Maoris. The grounds of Rewi's distrust reached him a few days after Whitaker rejected his solicitations for Te Oriori's release. The fall of Orakau and the scattering of Rewi's force left the Maoris at Maungatautiri between two large bodies of English troops. They abandoned their pah.

Ten thousand English troops had struck down the pride of Waikato. The war was over. A generous policy towards the fallen might have touched the hearts of a race of whose conduct, at Orakau, Mr. Fox himself was constrained to say: "Does ancient or modern history, or our own rough island story, record anything more heroic?" As on the west coast, where Major Butler left no Maori cultivation within 20 miles of Taranaki, so in Waikato and elsewhere, where war was waged, crops were destroyed, and property was taken without stint. Devastation was advocated as the proper method of subjugation. Those who could not be conquered or captured might be starved.

Against the king-maker, Te Waharoa, the ministry had a deep grudge, and as he had influence near Tauranga, it was resolved to prosecute the expedition which, in February, had been suspended in opposition to the wish of the ministry. But, though suspended, it had excited the

Maoris. Major Whitmore reported in April that the younger and worse-disposed natives had gone from Hawke's Bay to Tauranga, emulous of the ghastly distinction won by their countrymen at Orakau. They resented the blockade of the coast. Friendly chiefs were anxious to raise forces to assist the English, and Major Whitmore asked if he might raise a native contingent. If they objected to war against Waikato they would fight elsewhere. Major Whitmore's belief in their pugnacity was speedily confirmed. The Maoris (Ngaiterangi and others) had advanced to their frontier, and built near the boundary of the Church Missionary land a pah, at Pukehinahina, called afterwards the "Gate Pah," because, being on a ridge, with a narrow swamp at each side, it served as a passage to Maori land. It was about three miles from the mission station at Tauranga. There they waited to defend their territory. Expecting to be attacked, they sent (28th March) a protocol to the colonel in command, announcing that unarmed persons, and even a soldier who turned to the enemy the butt of his musket or hilt of his sword, would be spared. On the 21st April, General Cameron transferred his head quarters to Tauranga. On the same day, near Fort Maketu, Major Colville (43rd Regt.) reported an ambuscade and an ensuing skirmish, in which the friendly Arawa aided the troops. H.M.S.S. "Falcon" and "Sandfly" shelled the Maori positions on the coast, and the friendly Arawa served gallantly on shore. On the 27th the General reconnoitred the Gate Pah, and on the 28th he had a force of about 1700 men in front of it. He had one 110-pounder, two 40-pounders, and two 6-pounder Armstrong guns; two howitzers, two mortars, and six cohorn mortars. It was ascertained that the swamp on the enemy's right might be passed safely, and while a feigned attack was made in front, Colonel Greer, with about 700 of the 68th, took up a position behind the enemy to prevent escape. About half a mile in their rear Colonel Greer, in the dark, heard the Maoris talking in their redoubt. Guns and mortars were put into position in the night. Soon after daybreak on the 29th fire was opened in front. On a ridge about 80 feet in height and 250 yards wide, abruptly falling on each side at first, and then sloping on sandy

pumice formation on each flank to a narrow swamp in a gorge, was an oblong palisaded redoubt, guarded by an entrenched line of rifle-pits between the side-faces of the redoubt and the swamps. Within, the rifle-pits were horizontally covered with sticks, and fern and earth heaped above. Under the roof was space for loopholes. The redoubt was about 70 yards wide by a depth of 30. About 100 yards in the rear, as if to invite the troops to waste their fire, was planted the Maori flagstaff. For about two hours the stratagem was successful, but then a mingled torrent of shot and shell hurtled amongst the Maori earth-holes. The Maoris made no sign, except when one of them coolly shovelled up earth to repair a partial breach. Trained soldiers marvelled at the time, as visitors have marvelled since, at the daring of those dusky warriors. At noon it was found that a gun could be moved across the swamp on the enemy's left to high ground. Thence an Armstrong six-pounder enfiladed the Maoris, and drove them from the left of their position. The firing won the General's approval; and at four o'clock he ordered an assault, "a practicable breach" having been made. This time, at least, the Maoris were thought to be doomed. There was daylight to kill them by, and Colonel Greer was in the rear to intercept flyers. One hundred and fifty seamen and marines, and an equal number of the 43rd, under their Colonel (Booth) formed the assaulting party. A detachment of 170 men was extended as near as possible to keep down the fire from the rifle-pits, and follow the column into the work. Three hundred men formed the reserve, under Captain Hamilton, of H.M.S. "Esk." The winding ridge (commanded only on one side by the Maoris after they had been driven in from their left) protected the assailants. When the bombardment ceased, and a rocket gave signal for the assault, Colonel Greer moved his men close to the rear of the pah. The breach was gained; Colonel Booth and Commander Hay led the way. As they dashed into the inner trench hardly an enemy was to be seen. In the earth-covered rifle-pits and passages which had sheltered the Maoris during that iron hail of ten hours' duration, they were shrouded from sight. But, they saw their enemies, and jets of smoke from right and left told a

deadly tale as shot after shot brought down the confused assailants. The fort, which hardly had room for its defenders, bore a thickening crowd, who poured into it merely to be shot. The check sustained was seen from without. The reserve plunged forward to support their comrades, but in vain. In that imminent and deadly breach the officers of both services threw away life like smoke-wreaths rather than quail. Captain Hamilton "fell as he led in the reserve." Colonel Booth and Commander Hay, R.N., had fallen. Captains Hamilton, Glover, Mure, Utterton, and two lieutenants, all of the 43rd, were shot dead, or wounded in that fray so that they died. Captain Glover was seen on the ground. His brother, a lieutenant in the same regiment, was carrying him to a place of safety, and was shot. Both died of their wounds.[30] The Maoris at such close quarters seldom missed, and to miss then would have left them at the mercy of the bayonet. In a few minutes scores of the assailants were laid low. Stunned and panic-struck their comrades broke and fled. As they went they took no advantage of the ground, but were shot on the open surface of the ridge. No man could account for the disaster. Some said that by mistake, in the din and the rattle of musketry, the word "retreat" was heard and acted upon. Some said that the main body of the Maoris had rushed to the rear, had encountered the 68th—recoiled—and—dashing back to the redoubt to sell dearly the lives they could not save—were thought by the astonished soldiers to be a Maori reinforcement, sprung as by magic on the scene. The Maoris must have known that escape was hopeless, and it does not appear that they sought it before beating back the assault. Panic knows no law but disorder. The General could report but not explain.

"Captain Hamilton was shot dead on the top of the parapet while in the act of encouraging his men to advance, and in a few minutes almost every officer of the column was either killed or wounded. Up to this moment the men, so nobly led by their officers, fought gallantly, and appeared to have carried the position, when they suddenly gave way and fell back from the work to the nearest cover. This repulse I am at a loss to explain otherwise than by attributing it to the confusion created among the men by the intricate nature of the interior of the defences, and the sudden fall of so many of their officers."

[30] They were brothers of Captain Glover who distinguished himself in Ashantee in 1874.

The Maoris leapt forward to the work of slaughter. One of them exposed himself openly on the parapet and taunted the flyers as he fired, inviting them to renew the assault. Two of the 43rd were brained by tomahawks. The General, on reaching the front, determined not to renew the assault until morning, but threw up a line of entrenchment within a hundred yards of the fatal fortress.

Colonel Greer's movements are clearly related by himself. At daybreak he heard the besieged singing and dancing in their pah. A little disturbance was created in his ranks by the success of the Maori device in placing their flagstaff in rear of their works. The casualty list showed three of his men wounded by shells. Once or twice during the day he thought the Maoris were disposed to break away to the rear, and, when the assault began, he drew so close as to make escape impossible.

"About five o'clock, p.m., the Maoris made a determined rush from the right rear of their pah. I met them with three companies, and after a skirmish, drove the main body back; about 20 got past my right, but received a flank fire from Lieutenant Cox's party (68th, 60 men) and Lieutenant Hotham's (30 men) Naval Brigade, and 16 of the Maoris were seen to fall; a number of men pursued the remainder. By the time I had collected the men again and posted them it was very dark. My force available on the right was quite inadequate to cover the ground in such a manner as to prevent the Maoris from escaping during the night; in fact, I consider that on such a dark wet night as that was, nothing but a close chain of sentries, strongly supported round the whole rear and flanks, could have kept the Maoris in; and to do that a much stronger force than I had would have been necessary. During the night the Maoris made their escape. I think that, taking advantage of the darkness, they crept away in small parties, for during the night every post either saw or heard some of them escaping, and fired volleys at them. The Maoris, careful not to expose themselves, never returned a shot during the night, but there were occasional shots fired from the pah, no doubt to deceive us as to their having left it."

How they left no one knew at the camp of the General. After they had poured volleys upon the flying troops they made no sign of abandoning their post. Those who knew the voice of the chief Rawiri heard him calling to the soldiers to come on. In the pitchy night which ensued, either by the right rear or by stealing through the fern on their right flank, the garrison passed silently away, leaving, as was rarely the case, wounded and dead behind. Wounded prisoners told that some were carried away even on this occasion. The tale was strange; but everything about the

[illegible] as nearly so. The network of rifle-pits and underground passages, of which the English had become masters, had cost them the lives of 10 officers and 25 non-commissioned officers and men, while 4 officers and 72 of their men were wounded. Yet "not more than 30 dead and wounded Maoris could be found in and about their position, and of them but few had been hurt by Armstrong guns or shell. It was said that no English regiment at Waterloo lost so many officers as the 43rd lost at the Gate Pah. The General's official report that the assault began at four o'clock, and Colonel Greer's statement that the Maoris made their sally in the rear at five o'clock, refute the idea that the return of Maoris driven back to their pah turned the tide of battle within it. The storming party had been driven back 45 minutes before the sally was made. It seems that having repelled the assault, and perhaps presuming that the English, under Colonel Greer, would be discouraged, the Maoris adopted their usual tactics of abandoning their stronghold after inflicting loss upon the enemy, and that Colonel Greer's promptness compelled them to escape by night. When Mr. Smith, the Civil Commissioner, entered the pah in the morning, he believed the statement of a wounded Maori that less than 300 men had defended the work, "as it did not appear capable of holding more." The dead English had neither been stripped nor mutilated. They had been kindly treated. Among the Maori garrison was Henare Taratoa, who had been educated under Bishop Selwyn at St. John's College prior to 1853. He tended one of the English wounded who, in his dying agonies, thirsted for a drop of water. The Maoris had none. Taratoa threaded his way through the English sentries in the darkness, and returned with a calabash of water to slake his enemy's thirst. By the side of each wounded Englishman there was found in the morning some small water-vessel, placed there by the Maoris before they deserted their fort. In recognition of their chivalry the few Ngaiterangi prisoners were afterwards released by Sir G. Grey. Colonel Booth was carried out of the pah in the morning. The General went to him; but [illegible] gallant soldier felt the repulse so deeply that he turned [illegible] his face, saying: "General, I can't look at you. I

tried to carry out your orders but we failed." He died in the evening.

The English dead were buried in the mission burial-ground at Tauranga on the 2nd May, amid feelings which have seldom harrowed a British force, for many of the men burned with shame for the repulse, and were stunned by grief for their comrades. Within a separate enclosure, about 30 yards by 20, in that cemetery may be seen to this day an obelisk inscribed on three sides. One inscription tells that Colonel Booth, Captains Glover, Mure, Hamilton, and Utterton, and Lieut. Glover and Ensign Langlands fell at the Gate Pah. Another tells that Serjeant-Major Vance and a bugler, James Blackwall, with eleven privates, are interred there. The third is in memory of two corporals and four privates, who fell in a subsequent action at Te Ranga. A separate tomb tells that Captain J. F. C. Hamilton, of H.M.S. "Esk," "fell in the assault on the Pukehinahina (Gate) Pah." In the same enclosure there are other graves and memorials of those who at different times were killed or died in the district. The enclosure, with the cemetery of which it is a part, is on the site of what was once a strong pah, on a low promontory, steeply scarped by the hands of Maoris. Ditches and high embankments intersecting the plateau show that the pah was once a formidable work.

Wars of old time with spears and clubs, and the sacrifice of life at the Gate Pah, arouse melancholy reflections in the traveller who stands on the promontory and looks across the peaceful waters of the bay to the pyramid of Maungonui, standing like a lonely guard athwart the entrance to the harbour. At Maungonui, within the memory of white men, one of the savagest Maori slaughters had taken place. The murderous native wars were practically extinguished by Christianity, and the land might have had peace but for the pestilent injustice enacted by Governor Browne and his advisers. The slaughter at the Gate Pah might not have taken place if the Whitaker ministry had not wantonly promoted the Tauranga campaign. If General Cameron had been content to occupy the front and rear of the Gate Pah English blood need not have been shed there. The Maoris must have surrendered, or ventured at disadvantage

across the English lines. As usual, the Maori allies had endeavoured to dissuade the General from the assault. Wi Tamaihana and others, friendly to the English, obtained permission to bury the Maori dead. Mr. Smith, the Civil Commissioner, with 18 natives, on Sunday (1st May) buried the bodies within the mission boundary near the Gate Pah—Archdeacon Brown reading a portion of the funeral service. A mound was raised to mark the common grave. Except as proof of Maori valour the defence of Tauranga-mahina was idle. It could not check the English advance. Wi Tameme and other friendly chiefs proposed to communicate with the rebels and urge submission. The General declined to authorize such overtures. If the rebels desired to make any, they might communicate with him. Wi Tameme admitted that the General's reasons were satisfactory.

The Maoris did not retreat far. It was rumoured that they were fortifying a position in the hills at the head of the Waitaha. But the spirit of presumption was upon them, and Maori allies warned the English of their movements. On the 21st June, Colonel Greer heard that they were commencing to build a pah at Te Ranga, a few miles from the scene of their recent struggle, and resolving to attack them before they could build palisades or construct shell-defying burrows, he marched thither with 600 men, enfiladed them from a spur which commanded their right, drove in their skirmishers, kept up a sharp fire for two hours; and, when reinforced by a gun and 220 more men, sounded the advance upon the position, which consisted of a ditch four or five feet deep. The 43rd, 68th, and 1st Waikato Regiments carried the rifle-pits with a dash, the Maoris firing vigorously, but as usual too high. For a few minutes they fought desperately, then turned and fled, leaving 68 dead in the rifle-pits. The pursuit was keen. The 43rd avenged their loss at the Gate Pah. One hundred and eight[81] Maoris were killed, 27 were wounded, and 10 were made prisoners. Henare Taratoa, the humane hero of the Gate Pah, was amongst the killed. On his body was found a written order of the day for war. It began with

[81] N.Z. P.P. 1864. E. No. 3, p. 81.

prayer and ended with the words, "If thine enemy hunger, feed him; if he thirst, give him drink." The English loss was 10 killed and 40 wounded. The dead Maoris were thrown into the rifle-pits dug by themselves the day before. The bayonet was the death-dealing weapon in the pits. A corporal of the 68th transfixed a Maori, who at once seized the corporal's rifle with one hand, and was endeavouring, tomahawk in hand, to cut down his enemy with the other, when a sergeant saved his comrade with a second bayonet. One Maori was brought in calmly smoking his pipe. On throwing open his blanket for the surgeon's inspection he showed four bullet-holes and five bayonet wounds through his trunk and thighs. Mr. Meade, R.N., saw him recovered and walking some months afterwards. Rawiri, who had invited the English to renew the assault at the Gate Pah, and almost all the notable chiefs, were among the killed. In his hurried account, written on the spot, Colonel Greer said: "I must not conclude without remarking on the gallant stand made by the Maoris at the rifle-pits. They stood the charge without flinching, and did not retire until forced out at the point of the bayonet."[32]

Success so crushing touched, if it did not soften, the heart of one at least of the ministry. Mr. Fox wrote in after years that the annihilation of the tribe was so complete, that when (in July and Aug.) the survivors submitted, "they were truly a miserable remnant, on whom it was impossible to look without feelings of the deepest commiseration and pity." On the 5th Aug., Sir G. Grey, with General Cameron and two of his advisers, met all the natives. They had previously surrendered their arms to Colonel Greer. They now surrendered their lands. Sir G. Grey promised to care for them as the Queen's subjects, and to

[32] Sir G. Grey wrote to the Secretary of State (1st July, 1864): "Colonel Greer tells me that no thought of yielding possessed the natives—that they fought with desperation, and when at length compelled by the bayonet to quit the trenches in which they left more than a tenth of their number dead, it was strange to see them slowly climb up, and disdaining to run, walk away under a fire that mowed them down, some halting and firing as they retired, others with heads bent down stoically and proudly receiving their inevitable fate. He adds in speaking of Rawiri their leader, who was amongst the slain—'Poor Rawiri was a brave man, and behaved like a chivalrous gentleman towards me.'"

release all the prisoners of the tribe in consideration of the chivalrous manner in which they had carried on the war. The Maoris expressed their gratitude, and ceded all their lands. The Governor retained one-fourth as an atonement [illegible] returning the remainder in recognition of the [illegible] tribes. The loss of Tauranga was the [illegible] Waikato tribes. It was their most avail- [illegible] Waitike contingents found their way from it [illegible] strategically the campaign was effective; but [illegible] from prejudice or lust for the land of the [illegible] agree with the words, though not the feelings, [illegible] official declaration that the "occupation of [illegible] truly justified as any other movement of [illegible]

[illegible] mind no doubt remained. The Maoris, [illegible] no prospect of success. They were not [illegible] of the most powerful tribes were arrayed [illegible] or rebel party. He bowed to the stroke [illegible] places rifled for green-stone treasures— [illegible] eaten—maize and potato crops consumed [illegible] down or burnt: consequent starvation [illegible] were fruits of the war which the more [illegible] had courted, and which, if they had not [illegible] and his friends were determined to [illegible] as soon as they could command English blood [illegible] which to wage it. They had denied that [illegible] They had repelled the arguments [illegible] Hadfield, and others, who had shown that [illegible] only look upon the conduct of the local [illegible] to lust for land; and now that success [illegible] they proceeded to prove by their [illegible] was right.

[illegible] any number of men, con- [illegible] civilized society, could conduct [illegible] and his colleagues comported [illegible] representative of the Crown with [illegible] It was known that [illegible] in the minds of their [illegible] of war, Sir G. [illegible] to agree to the appoint- [illegible] the prisoners could be

kept on board of the hulk in winter, and his ministers then proposed to yield to his desire that Maoris generally might know something of the probable fate of the prisoners. They suggested that it should be announced that only loss of personal liberty would be inflicted until peace might be made, when allotments of land would be given; and that two, not important chiefs, should be allowed to go on parole to explain their position to the tribes. The Governor replied, that as after so long deliberation the ministry had determined upon such a course, it would be well for them to carry it out. It would still be competent for the Secretary of State to convey any commands of Her Majesty varying the amount of punishment.

At that juncture the disasters at the Gate Pah were announced, and the Governor was about to proceed to Tauranga (10th May), when the ministry asked him to sign blank passes for two chiefs to be selected as emissaries, on parole, to announce to their countrymen the intention of the government with respect to prisoners. Sir G. Grey trusted the ministry would excuse him from signing such papers for uninfluential chiefs. "It was against the judgment of the Governor that these prisoners and their friends were left so long without a guarantee of what their punishment was to be. It is equally against his judgment that at the present moment, after our heavy losses at Tauranga, such a communication as is proposed, carried by such messengers, should be conveyed to the natives now in arms. In assenting to the executive government carrying out by their own action the course they have determined to adopt, the Governor thinks he has done all that can be required of him." Mr. Fox signed passes, and Sir G. Grey enclosed them to Brig.-Gen. Carey in Waikato; but the mission was unproductive.

The appointment of the Board of Inquiry upon the hulk caused much correspondence. The demeanour of the ministry may be gathered from one fact. On the 23rd June the Governor ascertained that Te Oriori had been put upon parole. Mr. Fox justified the concealment of the fact from Grey by arguing that the ministry thought that in telling the Governor nothing about the chief for whose release he had vainly pleaded, the "ministers in acting as

they did thought they were conforming to his Excellency's views."

Then there sped across the sea a despatch which showed that English honour was safer in the hands of Mr. Cardwell than in those of his predecessor. The Settlements Act which Mr. Whitaker had pronounced essential to the well-being of the colony furnished the text. Mr. Cardwell did not dispute the right of the colonial government to extort from insurgents some aid in defraying the expenses of war, but the expenses had been borne mainly by England, which had therefore a right to require that the cession or confiscation of territory should not be carried further than was consistent with the permanent pacification of the island and the honour of the English name. As for the Settlements Act itself, the Duke of Newcastle had pointed out in 1863 the difficulties incident to forming military settlements, and the reprehension with which the English government would view measures tending to intensify disaffection.

"I need scarcely observe (Mr. Cardwell said) that the Act now forwarded, taken in combination with the scheme proposed by your Government, exhibits a rapid expansion of the principles in which the Duke of Newcastle acquiesced with so much reserve. . . . Considering that the defence of the colony is at present effected by an Imperial force, I should perhaps have been justified in recommending the disallowance of an Act couched in such sweeping terms, capable, therefore, of great abuse, unless its practical operation were restrained by a strong and resolute hand; and calculated, if abused, to frustrate its own objects and to prolong instead of terminating the war. But not having received from you any expression of your disapproval, and being most unwilling to weaken your hands in the moment of your military success, Her Majesty's Government have decided that this Act shall for the present remain in operation. They are led to this conclusion not merely by a desire to sustain the authority of the local government, but also in no small degree by observing that no confiscation can take effect without your personal concurrence, and by the reliance which they so justly place on your sagacity, firmness, and experience, and your long-recognized regard as well for the interests of the colonists as for the fair rights and expectation of the native race."

Mr. Cardwell was wise enough to know that not confiscation but cession of land should be aimed at. It was desirable that the proposed appropriation of land should take the form of a cession imposed by the Governor and General Cameron upon the conquered tribes, and made by them as a condition on which Her Majesty's clemency

should be extended. If this should be found impossible, the Governor might bring the Settlements Act into operation subject to reservations. The Act must be limited in duration by an amending measure. A duration of two years from the original date of enactment would afford time for inquiry as to extent, situation, and justice of the forfeiture, and yet relieve the conquered from protracted suspense, while assuring friendly natives that there was no desire to disregard the ordinary principles of law. The aggregate extent of forfeiture should be at once made known. A commission not removable with the ministry should inquire what lands might properly be forfeited. The Governor's concurrence in the forfeiture was not to be a mere ministerial act, but to be withheld unless he should be satisfied that the confiscation was just and moderate.

"In the absence of those legal safeguards which furnish the ordinary protection of the vanquished, the Imperial and Colonial governments were bound to adjust their proceedings to the laws of natural equity, and to the expectations which the Maoris had been encouraged or allowed to form," so that it might be plain to them that the Europeans were "just, as well as severe." To confiscate for European use the most valuable land, and drive the original owners to forest and morass, would convert the Maoris into desperate banditti, emerging from their fastnesses to destroy the fruits of industry. "I rely on your wisdom and justice to avert a danger so serious in its bearing on the interests of the European not less than of the native race. Turning to that part of the law which authorizes the dispossession of persons who have not been involved in the recent rebellion, I have to observe that though Her Majesty's Government admit with regret that the tribal nature of the native tenure will sometimes render it unavoidable that innocent persons should be deprived of their lands, they consider that land should not be appropriated against the will of the owners merely because it is in the same district with rebel property, and may conveniently be used for purposes of settlement, but only in cases where loyal and neutral natives are unfortunate enough to be joint owners with persons concerned in the rebellion, or because it is absolutely required for defence or communication, or on some similar ground of necessity. But every case of supposed necessity should be examined with the greatest care, and admitted with the greatest caution and reserve. . . . I trust that in accepting any cession, or authorizing confirmation of any forfeiture of land, you will retain in your own hands ample power of doing substantial justice to every class of claimant for restitution or compensation."

Finally, cessions having been received, the Governor would do well to accompany his justice and severity by announcing a general amnesty, excepting only the murderers of unoffending settlers, or other heinous criminals concerned in outrages to be specified in the proclamation. Subject to these cautions and conditions Her Majesty's government

[illegible] have in the hands of Sir G. Grey the power [illegible] to him by the Act.

[illegible] the same despatch the consent of the Imperial government [illegible] guarantee a large portion of the New Zealand loan [illegible] announced, and a hope was expressed that by reason of [illegible] General Cameron's operations and prudent administration, [illegible] peace might be procured, the troops be withdrawn, and the [illegible] blessings of order be restored to the colony.

An epitome of Mr. Cardwell's instructions is necessary because Mr. Fox, in his "History of the War in New Zealand," denounced them as "directing things to be done which were physically impossible, and others to be attempted which were palpably absurd, and which, if attempted to be carried out, could operate in no other way than to upset the plans of the Colonial government." It seems not to have occurred to Mr. Whitaker and his colleagues that, if their designs were unjust or dishonouring to the British name, they deserved to be overthrown. The "natural equity" to which Mr. Cardwell appealed dwelt not within their breasts. His announcement that he looked to the Governor, as representative of the Imperial government, to decide the fate of prisoners of war, arrived a few weeks later, but the despatch of the 26th April made it clear that on so vital a point the Secretary of State would speak with no uncertain sound.

Sir G. Grey gratefully accepted an offer made by the ministers to surrender the prisoners to his care (on conditions, one of which was the cost of maintenance); and in concert with the General, ordered that the prisoners should be taken charge of by the military authorities, undertaking that the Imperial government should refund all expenses legitimately incurred by the imprisonment, and assume future responsibility. Mr. Fox (25th June, 1864) wrote that "while yielding to pressure ministers felt bound to state" that the release of the prisoners as a body would be unwise. The ministry could "only conclude that his Excellency is determined to carry out his views regardless of his responsible advisers." Further wranglings ensued, but eventually (12th July) Sir G. Grey, having proposed that the prisoners should be located at Kawau, an island belonging to himself, Fox wrote: "All that ministers can

say at present is that they enter very cordially into the proposal, and will be prepared to give every assistance in their power towards carrying it into execution."

To Kawau, about thirty miles from Auckland, the prison-hulk was taken on the 2nd Aug. The Rev. Mr. Ashwell, a missionary who had been expelled from Waikato by the Maoris, was placed there. The natives were to be allowed to cultivate land, and their settlement was to be managed like a Moravian mission-station. By order of Mr. T. Russell, the Defence Minister, the military guard was withdrawn on the 2nd Aug. A written promise not to go away without leave was to be obtained from the prisoners. In the hurry of affairs Mr. White, who had been interpreter in the hulk, omitted to obtain the written promise. For some weeks all went well. Mr. Fox said (6th Sept.): "Ministers are satisfied with the arrangement lately made for the custody of the prisoners by their removal to Kawau." He wrote thus in a document in which the ministry protested against Mr. Cardwell's ruling, that the Governor should determine, subject to positive law, the fate of prisoners of war. Sir G. Grey transmitted their protest to Mr. Cardwell, with a despatch (shown to his ministers) in which he declined, while responsible for what was done, "to act as their servant to carry out that which I know to be illegal, and believe rightly or wrongly to be such as will reflect discredit upon our name." The ministry had not dealt with this rejoinder when Auckland was electrified by the escape of the prisoners at night (10th Sept.) to the mainland. H.M.S. "Falcon" arrived at Kawau the day before they escaped. Some persons said that the ball-practice in which her men were engaged was thought by the Maoris to be the beginning of the end. There were rumours that if war should be renewed the prisoners were to be put on board the hulk and sunk at sea. The sword was over the heads of all, while none knew who might be selected for trial. In raids in the Auckland district, settlers had been killed in the early part of the war, and for their deaths it was known that vengeanec would be exacted, notwithstanding the fact that at Rangiaohia Maori women had been burned. In refusing to let the prisoners know who were to be tried and who merely detained till the end of the war, the ministry

kept the axe at the throats of all. The escape of such men constituted a danger to all Europeans. They were more than 200 in number. They might determine to sell life dearly rather than surrender. Nay, they might slaughter all they could find.

Sir G. Grey was informed of the escape on the night of the 11th. On the 12th, with Mr. White, the Superintendent at Kawau, he was at the scene of escape. The fugitives had landed at Waikauri, left the boats on the shore, and marched to the ranges. They had spades, hatchets, and a few double-barrelled guns. Sir G. Grey sent Mr. White with Te Oriori, two other natives, and a European, upon their path. On the 14th they were found. They received their visitors politely. Mr. White was seated in the centre of their encampment. After brief silence, Tapihana bade them welcome, but declared he would not go back. Te Oriori gave the Governor's message. They had done wrong. The speaker urged them to return. Other fugitives spoke. Tapihana, who mingled eager action with rapid words, admitted that the escape was a wrong; but fear was the cause of it. They thought they were in peril when the man-of-war sailed round the island and fired. Such a thing had not happened before. They only wanted to be free. They would molest no one, but would resist force. Some appeared willing to return, but loth to do so in opposition to their comrades. Te Oriori, whose infirmity of purpose the ministry had dreaded, showed no vacillation. He returned with Mr. White, and the refugees remained on the hill Omaha. They received all visitors kindly. They were supplied by neighbouring natives with food. When they visited a shop they went in small armed parties.

The ministry blamed the Governor. They were at the time indignant at his declining to sanction the confiscation they had proposed. Fox wrote (30th Sept.):

"A course of action on the part of his Excellency, which he has been pleased to term 'generous' towards the prisoners, has terminated in their escape, and in a very serious complication of the difficulties of the colony. In the meantime, while so much generosity is shown towards the Maoris taken in arms, his Excellency's sympathy is withheld from the unfortunate English colonists who have been driven from their homes and reduced to ruin; and the Colonial Government is unable to provide for their reinstatement, or to compensate them for their losses, because his Excellency declines to confiscate the lands of those who have inflicted so much misery

upon them. His Excellency appeals to the judgment of posterity: he cannot mean the posterity of those who are thus left in destitution while a morbid and unaccountable sympathy is extended towards rebels who have shown the most marked ingratitude.'

Matiu te Aranui and other chiefs became patrons of the fugitives, and enigmatically invited neighbouring tribes to send their thoughts. Old Tirarau, the Ngapuhi chief, showed the invitation sent to himself, impounded others forwarded to his care, and handed them to the government. Sir G. Grey urged him to distrust false reports and confide in the justice of the English. Seventy-two European settlers at Matakana averred (8th Oct.) that the prisoners were building a strong pah in their immediate neighbourhood; that armed natives from all quarters were joining them, and Europeans were excluded from their fortifications. Immediate protection was asked for.

The situation was singular. The colonists had no enemies at the north of Auckland. There were nearly 20,000 soldiers and colonial forces under arms. Two hundred escaped prisoners settled on the top of a hill surrounded by colonists and by Maoris friendly to the settlers, and the Governor and government knew not how to deal with them. So prompt and expert were they in field fortifications that great carnage was expected from a declaration of war against the runaways.

The settlers' petition was sent to the Governor. He thought he was bound to receive advice. Mr. Fox could see no "substantial difference between prisoners in custody and prisoners who have been admitted to parole and broke it." The matter was very complicated, and ministers were "at a loss what to recommend." As a preliminary step, they asked if it was "possible to capture the late prisoners by a military expedition, and, if so, whether Her Majesty's naval and military force would be available for the purpose." Sir G. Grey recommended that precautions should be taken "in a manner that may draw no more attention to the Maoris at Omaha than is absolutely necessary." He was meanwhile ascertaining their intentions. It had been suggested to him to offer the runaways a safe-conduct to Waikato. Would the ministry consent? They consented. The Governor said it was doubtful whether the refugees would accept any terms if they could hope to

create war in the north, but pointed out that a pardon and promise of land at Waikato (their own country), which ministers might "intend to assign them," would be one method of arranging with them. "The more thoroughly just the offers to them are, the better position the government will occupy in these matters." Mr. Fox (12th Oct.) was nettled at the allusion to justice. "The ministry were wholly at a loss to understand it." The Governor had complicated matters. His ministers would not relieve him from responsibility, nor "share it with him." They would advise on any proposal made by him. "But if his Excellency wishes that land should be given to the prisoners in Waikato, ministers have only to observe that the government does not possess any land in Waikato, nor even if they did would they consider it just to use part of it for this purpose while their pledges to military and other settlers remain unredeemed." Sir G. Grey (12th Oct.) replied that he thought he had done nothing to complicate matters, but he would carefully abstain from all action in the matter for the future. "From his own responsibilities he will neither shrink nor ask anyone to share them; but his ministers must bear theirs until they are in due course relieved from office." He would afford them all the aid in his power. "It is a time when all energies should be united in meeting a common peril." The plan finally agreed upon would be aided by Her Majesty's forces. The ministry declared (13th Oct.) that the Governor had blundered, and then, too late, asked for advice. Under ordinary circumstances such a course would lead to resignation of ministers. "In the present case the resignation of ministers has been placed in his Excellency's hands on that very ground among others, his Excellency having expressed his determination to issue a proclamation against their advice." These bickerings neither allayed the fears of settlers nor removed the prisoners from their eyrie at Omaha. On the 12th Oct. they wrote that they would not go back to Kawau—would do no mischief, but would resist force. It was rumoured that they had invited friends to send vessels to carry them away.

Captain Cooper went to the pah with a Maori friend. He found the runaways determined. They would interfere with no one unless soldiers were sent against them. In

that case they would plunder and kill. The government "desired to take all the land from the Maoris, and therefore it did not matter if they were all killed." "Your Excellency will have to feed them on the mountain, or starve them out of it. They appeared to have a strong feeling against the government." The ministry (15th Oct.) recommended, through Whitaker, that terms should be offered. To do so was humiliating, but better than war in the north of Auckland, "of which no man can see the end or results." No time was to be lost, and the terms recommended (18th Oct.) were free passage to Waikato or elsewhere, land for residence to be arranged for, freedom from molestation so long as they might not interfere in the war—and a title to such land at the end of the war if they desired one. If they would not accede to these terms, force ought to be used to dislodge them from their menacing position. Fox, on the same day, asked the Governor "what he conceives the present status of these natives to be, and what their status will be should they voluntarily or by compulsion be again placed in the hands of his Excellency or of the colonial government?" Till they knew his mind on these points it would be exceedingly difficult for ministers to offer practical suggestions for carrying out the advice of Whitaker. Sir G. Grey begged that the opinion of the Attorney-General might be taken. Mr. Whitaker declared that "the natives referred to may be condemned as rebels in arms against the Queen's government, and that if again placed in the hands of the Governor or colonial government they may be tried for their offences." Transmitting this opinion, Fox said the Governor had misunderstood his request. The ministry had no doubt as to the *legal* status of the prisoners. Fox wanted to know how the Governor would deal with them under Mr. Cardwell's despatch. Would he release them, confine them as prisoners of war, or hand them over to the civil authorities to be dealt with as criminals? Sir G. Grey doubted whether, on reconsideration, Mr. Whitaker would adhere to his opinion as to the status of the escaped natives. Many of them had previously taken "no part in the rebellion, and are now probably unarmed. No inquiry ever took place as to whether such persons ever committed any offence or were

innocent. After several months' confinement they have run away. It may fairly be questioned whether such men are rebels in arms against the Queen's government. Others of the prisoners the Governor has always believed to be very desperate characters." He did not doubt that on recapture any of them might be tried for their offences, whatever they might be, and he would "throw no obstacle in the way of the colonial government bringing them to a legal trial; indeed he had never done so." Mr. Fox retorted that he had declined on the 19th April to try them under the Suppression of Rebellion Act. The Governor replied that trial under that Act would have been illegal and contrary to equity. Persons might be brought to trial under it by court-martial "at the earliest possible period." The ministry had not proposed to use it until the prisoners had been four months and a-half in captivity. This the Governor could not think just or equitable. If prompt trial had taken place the most guilty would have been punished as an example, and leniency and generosity to others would have done good. As prompt trial had not taken place the ordinary courts of the country could be resorted to. Fox replied that ministers had already declared it "inexpedient to try the prisoners by the ordinary courts of law." He scouted the distinction made by the Governor between "a trial" and "a legal trial." To try the prisoners within a few days of their capture, was clearly impossible. Most of them were captured at Rangiriri on the 21st Nov., and the Suppression of Rebellion Act was not passed till the 3rd Dec.[33] The Governor had "fallen into several errors both of law and fact." The Governor retorted that when the General commended war-prisoners to generous treatment, and Whitaker proposed after long delay to try them under an Act which could only be brought into operation by the Governor's signature, a case had arisen of direct responsibility to England and the General Assembly. Therefore he declined to accept Whitaker's advice, and then it was for the Attorney-General or his colleagues to resign. "Had this

[33] Mr. Fox, though a lawyer, seems to have had no qualms as to the propriety of trying prisoners under *ex post facto* laws; of which class of acts Justice Story declared that their injustice and iniquity constituted an irresistible argument against the existence of a power to pass them.

course been taken many difficulties would have been removed from the Governor's way. But if ministers did not think it necessary to take this course, then the Governor thinks they became responsible for the course they followed, and that all responsibility for it passed from him." Mr. Fox (25th Oct.) retorted that it was unfair to taunt ministers for not resigning in April. It did not seem that if they had done so, instead of talking about it—

"any result would have followed. Their resignations have now been in his Excellency's hands twenty-five days, and he has neither accepted them nor intimated his intention of doing so. They . . . do not understand that under responsible government ministers are bound to resign whenever the Governor refuses to take their advice. . . . When ministers arrived at the conclusion that he had made up his mind to abandon the principles he had enunciated in July, 1863, and endeavour to patch up a peace which would be neither stable nor permanent, they lost no time in placing their resignations in his hands, where they regret to know they remain still unaccepted."

New contention arose. No proper inquiry had been made as to the implication of the prisoners in the crime of murder. Fox denied that he or any other minister knew that any of the prisoners had committed murder. They "instituted the most searching inquiry whether there were any murderers among the prisoners." Mr. Fox indicted the Governor for making serious charges, out of flimsy materials, against his ministers. The Governor said: "If such an inquiry has been made, it can be stated that such is the case, and that the Governor is in error, and no one will be more ready or willing than the Governor to admit that he is in error, and to express his regret that such is the case." "Ministers," said Mr. Fox, "must decline to accept as an excuse his Excellency's readiness to be convinced of his error if he has made a mistake. . . . One murderer only was discovered, and he was tried and convicted, and there is not in existence a particle of evidence against any other prisoner which would ensure conviction, or committal, or even justify a reasonable suspicion." Such being the case, the reader may wonder why the prisoners were harshly treated. But the admission was made to embarrass the Governor, not to justify the Maoris. He replied elaborately, but it is unnecessary to trace the matter further. It has been followed so far in order to show the difficulties into which the representative of the Crown was

forced by the Duke of Newcastle's ignorant or unwise abandonment of Imperial control. Briefly, it may be said that the escaped Maoris remained at Omaha for many weeks. They were invited to go to Waikato, and some went. Some remained with friends in the northern tribes. Fox insisted that the Governor had done harm, and that the ministry would have managed better. As it was, no ill consequences ensued,[34] but it was not until April, 1865, that Sir G. Grey informed the Defence Minister, then at Taranaki, that the prisoners were "returning to their homes." The staunch Waka Nene never wavered in his loyalty. On the 1st Feb. he wrote to the Queen, sending her three New Zealand mats and a green-stone mere, the symbol of chieftainship. Sir G. Grey did not think it judicious to check the old chief's "affectionate loyalty by refusing to forward his present."

As a graphic description of Maori life and manners, Mr. Meade's journey to Taupo in company with chiefs, some of whom, after escaping from Kawau, returned immediately—took the oath of allegiance, and were allowed by the Governor to rejoin their families—throws light on the state of New Zealand in 1865. Returning to his family was not returning home for a Maori chief. His family was in exile—his home destroyed. Mr. Meade, R.N., carried letters from Sir G. Grey to Taupo, where friendly chiefs felt themselves deprived of countenance from the government for whose sake they had incurred hatred. Sir G. Grey recognized in Mr. Meade the courage and intelligence which fitted him for the dangerous post of emissary, in which he was accompanied by Mr. Brenchley, and by an interpreter, Mr. Mair. The principal chief of the party was Poihipi Tukeraingi, ever staunch to the Waitangi treaty, which he had signed on behalf of his father, and

[34] Captain Cooper, sent by Sir G. Grey to invite the fugitives to return to Kawau on parole till the end of the war, was so indignant at the conduct of Fox in examining, in Captain Cooper's absence, a Maori clerk who had gone with him as a guide to Omaha, that he wrote a fiery letter denying that the Maoris were treacherous:—"Indeed, I should consider myself much safer in the hands of the worst King-Maoris, even the Ngatiruanuis, than with such men as the Honourable Mr. Fox, who would not hesitate to stab the character of any person politically opposed to him, as he knows me to be, and as I believe he considers every honest man must be."—N.Z. P. P. 1865; E. No. 15.

highly influential at Taupo, where Sir G. Grey wished to cultivate friendly feelings. No European had gone thither during the Waikato and Tauranga wars. At Maketu, the envoys saw the friendly Arawa ensconced in a pah to protect them from the Ngatiporou. The returned prisoners were entertained by the "tangi" or wail. They stood silent among men, women, and children, whose moaning and tears denoted the grief felt during the captivity. In a quarter of an hour the ceremony was over, the returned exiles pressed noses with their entertainers, and ordinary life was resumed. At a runanga (21st Dec.), the loyalty of the Arawas was fervent. Mr. Meade admired the courtesy of the speakers, and thought it might profitably be imitated in colonial parliaments. Bitter opposition to cession of land was shown. One old man, stretching forth his arms, cried: "Oh that I could thus embrace the land of my forefathers, and gathering it all within my arms, keep it whole and safe from the grasping Pakeha!" Even among the English allies the slackening of their hold on their native soil created grief. With a cavalcade of 30 persons and a few followers, Mr. Meade reached Rotorua (26th Dec., 1864), and learned that a Pai Marire priest had arrived with five friends at Taupo, and perverted many. The settlement where the cavalcade was entertained was protected by a double chain of rifle-pits, roofed almost level with the ground, each roof being pierced with loopholes. Passing towards Lake Tarawera the travellers were entertained at Wairoa by no less a personage than a native magistrate, the dashing Te Kepa Rangihiwinui,[35] whose bearing, and the comfort and neatness of whose weatherboard house, they admired. With him and others, Poihipi and Mr. Mair earnestly consulted. Revelling in the witcheries of the tepid air and natural warm baths the English travellers did not attend all the debates. Passing onwards, respected as friends of the Governor, and occasionally saluted with politeness by the Maori king's friends, the embassy (6th Jan.) reached Tapuaeharuru, the inland home of Poihipi. On the crest of a cliff a large pah was being built for protection against the kingites or the Hau Haus, while on

[35] Te Kepa, or Kemp as he was called by the colonists, retains his Maori name Rangihiwinui in these pages.

the other hand on the farther shore were settlements and forts owning Te Heu Heu as their lord, and he was hostile to the sway of the Pakeha as his fathers were. Thence Mr. Grace, a church missionary, had to wander during the Waikato war. He was not ill-treated, but when his congregation held a meeting to decide whether he should be killed on account of murders by the English in Waikato, he thought it prudent to remove temptation from them. For months they kept sacred his house, his property, his live stock. Then came Hau Hau emissaries. The tares they sowed strangled the crop sown by Mr. Grace. Pai Marire worship was accepted, and Mr. Grace's property was scattered amongst his late flock, who maintained that distribution was necessary for safety of the goods, which would be restored to Mr. Grace on his return. Grace himself joined Mr. Meade's party (9th Jan.) bent on re-establishing his mission. He brought intelligence that an Auckland newspaper had averred that Mr. Meade and Mr. Mair had been "sent to find out what the kingites are doing," and that a rumour that they were spies was circulated amongst the Maoris.

At Waihaha Mr. Meade saw a village nominally belonging to a friendly tribe, but peopled mainly by refugees from Waikato, then laid waste by the troops. A white flag was hoisted to promise friendly reception to the visitors, and men were drawn up in fighting array. The Maori followers of Poihipi landed from their canoes with a yell, and, rushing forward till within 100 yards of their hosts, halted and formed in double line. The Waikato, having crouched in attitude of ambush, sprang to their feet, and in serried rank performed their war-dance, brandishing weapons and stamping as one man, and throwing themselves into every posture indicative of slaughter of their foes. Poihipi's followers took their time from him and went through the same wild ceremony. Musketry salutes were exchanged, and the two parties joined together, indulging in their national welcome. When the ceremony was over Mr. Meade and his companions joined the circle, and were entertained with shaking of hands. Poihipi made an oration extolling the treaty of Waitangi and loyalty to the Queen. Mr. Meade

was struck by the pleasing countenance of a fine young chief. He was one of those who ran the gauntlet at Orakau through the English lines. Escaping thence he had joined the Arawas, and fought for the English against the Ngatiporou. He had now rejoined the Waikato exiles at Lake Taupo. Mr. Mair animadverted on his inconsistency in fighting both for and against the government, and Mr. Meade heard his reply: "Oh! as to that, fighting is fighting, and we young men don't care much whom it is against." Among the exiles was a woman, Ahumai, whose husband was killed at Orakau, and who herself was wounded there. Karamoa and Reihana, both captured at Orakau, and connected with the Maori king's followers, were detached by Poihipi to ask Te Heu Heu whether the Englishmen might pass through the native territory between Taupo and the military settlements on the Waikato. Mr. Meade had a letter from Sir G. Grey to Te Heu Heu, but was to use discretion as to presenting it. Mr. Grace (9th Jan.) returned from an unsuccessful attempt to reach his old abode at Pukawa. Lowering looks encountered him, and a former teacher in his school warned him that his life was in danger. A message was sent, inviting Mr. Grace without companions to his old home; and "the spies," as Mr. Meade and his friends were deemed, were peremptorily forbidden to approach Pukawa, or wander on the shore of the lake which owned allegiance to the Maori king. Te Heu Heu was absent, and the travellers awaited his return, or some tidings from Karamoa and Reihana. Te Heu Heu returned, but was inimical, and it was felt that to send Sir G. Grey's letter to him would be useless. The path of the travellers was thorny. They could not descend the Waikato valley without Te Heu Heu's help. They heard that followers of the king had arrived at Rotorua to open the way for the Ngatiporou to send reinforcements from the east to the king. Rumour said that the kingmaker was coming to Rotorua with 400 or 500 retainers. Mr. Meade's return to Tauranga in such a case was impossible, and the brave Poihipi and Rangihiwinui would have been overwhelmed. To try a third route to Napier was dangerous, for it led through Maori settlements devoted to the king, and war-parties were said

to be in motion there. Te Poihipi objected to Mr. Meade's risking his life on the road to Napier. Three Maori chiefs had gone thitherwards for food for the party, and their failure to return caused apprehension for their safety. Meantime, the Hau Hau fanatics gathered followers. Mr. Meade resolved to find a guide, and (by journeys at night and concealment by day) to dash through the hostile territory, and reach the military settlements on the Waikato river. A Pakeha Maori, connected by marriage with Rewi, was amongst Te Poihipi's friends at Taupo. His wife found a Maori guide in the person of Hemipo. Hemipo's father was an adherent to the Maori king, though the son was loyal to the Queen. Poihipi vainly endeavoured to dissuade Meade from taking such a guide on such an expedition.

On the 27th Jan., the two horsemen rode from Oruanui, and to Mr. Meade's relief he found that Hemipo understood a few English words. On the same morning, long before daybreak, one Ihaka, a native assessor, had ridden before them, with a letter warning the Hau Haus on the way that they would not be allowed to pass by Oruanui if they intended to proselytize Maoris or molest the English. Mr. Meade expected to meet the returning Ihaka, whose person was sacred in the character of herald, and to learn from him whether it was safe to proceed. The day wore on, but no herald appeared. Hemipo pointed out smoke rising from cooking fires, and said the Maoris around them were kingites; but the journey was continued without molestation to Tataroa. There the salutation "Pai Marire" told Mr. Meade that he was in the hornets' nest. But Maori courtesy demanded that he should halt to receive hospitality. Ihaka was seen standing with another Maori. Mr. Meade pointed out a red flag flying in the village, and suggested caution, but Hemipo said that as Ihaka was there, there would be no danger. The travellers rode into the open space in midst of the Maori dwellings, and came face to face, not with the usual denizens of Tataroa, but with 150 armed men, whose lowering countenances boded mischief. Hemipo gaily unsaddled his horse, as if he had arrived among friends, but adroitly managed to receive from Mr. Meade, and secrete under his coat, one of Mr. Meade's

revolvers. Warm language was heard among the Hau Haus. One of them, flourishing a naval sword-bayonet, approached Mr. Meade; two others followed with guns. The Englishman had his hand on his revolver in his pocket, to make his life dear to the savages, when a powerful Maori, Aokatea, sprung forward and drove the intruders back to the crowd. A ceremonial followed, preparatory to the judicial murder of the traveller. Round the Pai Marire flagstaff fanatical worship was carried on. Mr. Meade wondered at his privilege in seeing mysteries he had thought hidden from white men, but learned afterwards that, as he was doomed beforehand, there was no objection to his initiation. He was, indeed, an essential element in the rite. Te Aokatea, who had driven back Mr. Meade's assailant, was high-priest, and wished the infuriating ceremonies to be duly performed before touching the victim. Ihaka told afterwards that the Hau Haus anticipated Mr. Meade's journey, which had been thought concealed; that they had even threatened the sacred person of the Maori herald, who had no opportunity of returning to warn Mr. Meade of danger. There was comfort in the fact that one chief, Paora Taki, had made an oration urging that Mr. Meade ought not to be molested, because the Hau Haus ought not to offend the tribes through whose territory they desired to pass in their own expedition. Paora Taki's speech was finished just as the arrival of the Pakeha was announced. On the prophet's flagstaff floated high the war-flag—a red pendant with white cross. Beneath, a black and blue large flag, with a red border, bore on the black part near the staff another white cross. Another red pendant, with a St. Andrew's cross, hung lower still. Mr. Meade and Hemipo sat apart under guard, and Ihaka was near them. Te Aokatea went through the process which was believed to procure inspiration. He yelled, he spoke—sometimes in English, sometimes in what was called French, or Hebrew—he made obeisance to the staff, to the east, west, north, and south, accompanying his genuflexions with Pai Marire words. At a signal, the seated tribes and delegates sprang up and marched round the staff, chanting responses to the priest, and pointing their weapons to the sky. The striking scenery around, the flags waving against

the dark foliage in the background, the varied dresses and weapons, the fanaticism gleaming from excited faces, the chorus of powerful voices rising in excellent time in that far forest, vividly impressed Mr. Meade, who noted the smallest particulars. The prophet's flag having been duly honoured, a runanga was held to decide on the fate of the travellers. Immediate execution of both was urged by some. Mr. Meade was deemed a spy. Then Hemipo rose to address his countrymen in a cool and careless way, playing with his riding-whip as though addressing friends at home, in a manner which extorted Mr. Meade's admiration. Moralists more punctilious than Escobar would excuse Hemipo's rhetorical artifices. Mr. Meade, he said, had nothing to do with army or navy, was only visiting the country for personal pleasure, and wanted to make a quick passage overland so as to reach his ship at Auckland before she sailed. His gentlemanly air showed as little insincerity as his demeanour implied fear. After speaking for Mr. Meade he referred to himself and his father's friendly relations with some of his auditors. Then Te Aokatea rose and savagely denounced the Pakeha intruder. No knowledge of Maori language was needed to enable Mr. Meade to distinguish friends from foes. As the discussion raged and death seemed certain, he took comfort from seeing that Hemipo was as ready to take lives with the revolver as he had been to cajole as an orator. While Meade was reflecting thus, and the Maori executioner stood by his side waiting to smite with the tomahawk, Ahumai, the widow wounded at Orakau, whom the Englishman had seen at Waihaha a fortnight before, rose up from the crowd, slowly walked across the square, and sat by the captive's feet, as a token that he was entitled to hospitality. The fanatics relented; and it was finally agreed to dismiss the prisoners, because it was unwise to provoke the Arawa (through whose territory the Hau Haus wished to march) by killing a guest of that tribe. It was decided that the travellers should return whence they came. As they saddled their horses a Maori whispered aside to Hemipo. A reaction was taking place amongst the Hau Haus. Mr. Meade had hardly time to reflect whether Hemipo was called in order that the Englishman might be shot without risk to the Maori, when

Hemipo bid him mount, as some rascally kingites wanted to kill him. To place several miles between the horsemen and Tataroa was the work of a few minutes, and after resting their horses in the shelter of the forest, the travellers reached Oruanui at night, where Hemipo narrated the day's incidents to eager listeners. Ihaka returned at a later hour, with a letter asking free passage through the territory, and stating in a postcript as a reason for granting the request, the safe return accorded to Mr. Meade. It was granted. Mr. Meade rode safely to Napier. The Hau Haus made converts as they passed, and though they did not attack the villages of tribes friendly to the colonists, their influence spread so fast that the Government, unable to protect its allies, invited them to retire to Rotorua, which they did with heavy hearts. Nevertheless, Mr. Meade's journey was not deemed fruitless. When, on his death, his journal was published, it was accompanied by a letter from Sir G. Grey, stating that very great benefits resulted from the expedition to Lake Taupo, which Mr. Meade and Mr. Brenchley so successfully carried out. Poihipi and Hemipo will reappear in a stirring event in the story of New Zealand, which followed on the fuller development of Hau Hau fanaticism than that which Mr. Meade saw. Read by the lurid glare which surrounds the murders of Volkner and Fulloon, the narrative of Meade is terribly significant.

Whitaker's demand for confiscation led to his resignation. Fox's justification of it has been noticed, and his desire to promulgate the opinion of the ministry that nothing could be more pernicious than to allow the Maoris to retain rights which the Queen had guaranteed. While General Cameron was arranging at Ngaruawahia (Jan., 1864) for the advance of troops up the Waipa river, and planning the Tauranga campaign, the government called on all who had been in arms against the Queen to take the oath of allegiance and surrender their weapons. Those who had been with the enemy, but had not fought, were to do likewise, but in doing so would not obtain rest. "All the peace that is conceded to them at the present time is this: That they will be allowed to remain unmolested, and they will not hereafter be brought to trial unless they are found to have taken part in murders, plunder, or other evil acts. Let this,

however, be borne in mind,—the disposal of their lands rests with the Governor." As part of the colonial warfare had been plunder and destruction of Maori homesteads and cultivations, it was hard for Maoris to understand the principles on which it was to be decided whether their own acts were evil.

The campaign in Waikato having been concluded by the evacuation of Maungatautari by the Maoris in April, and various chiefs having surrendered their arms, a proclamation was drawn up in which the surrender of arms was ordered to be made by the 1st July, after which date it would entitle surrenderers to no benefits. Sir G. Grey signed a draft of the proclamation on the 30th April, but refused to fix a date after which no surrender should be beneficial; and the proclamation was held back after voluminous discussions. In requesting (11th May) that it might be regarded as revoked, the Governor, speaking of the ministerial theory that all who had fought against the troops had forfeited all their land, said that the question concerned the future destiny of the Maoris. He might, by a few unwise words, reduce generations to misery, and cut off from their inheritance the offspring of many loyal Englishmen. Mr. Whitaker replied: "In his zeal for the Maori the Governor appears to forget the European colonists." The Governor's doubts whether the Settlements Act was intended to be an Act for general confiscation were useless; and there could be "no question that the assembly is already committed to give further effect to it if it were necessary." To the Governor's request that the proclamation might be regarded as revoked, Mr. Whitaker replied: "It requires no revocation, as it never received his Excellency's signature." While thus disputing, neither the Governor nor the ministry ventured upon details. The enormity of their demands made the latter anxious to conceal them until they could coerce the Governor to accept them.

In the end of June the report of the two prisoners who had been allowed to visit Rewi and the king-maker, led to the belief that those chiefs desired that the Waikato war should be regarded as at an end.

[illegible]ome, my brothers!—welcome to Waikato; to the river only, to [illegible]tains only. There are no men; the only men left are those in

prison and yourselves. Come; but I do not know whether you have been sent by the government. If you have been sent in peace, give me the letter that we may know that you have been sent. My opinion is that you have run away. Take away with you the war, and Waikato river; and Waikato land take with you too. Had you brought a letter, we should have sent a letter; but as you are the Governor's letter, you must also be my letter."

Such was the speech of Rewi. Waharoa and others spoke in similar strain. Six hundred and forty Maoris agreed. There seemed some prospect of peace if the government would be wise. In the end of June also, Mr. Cardwell's despatch, instructing the Governor that his concurrence with proposed confiscation was to be no perfunctory matter, was received. Mr. Fox's opinion of the despatch has been noted. The ministry thought its publication might strengthen them, and asked that it might be published. Their supporters, it was hoped, might be indignant. The Governor did not object, and the despatch was published on the 30th June.

The location of military settlers was a parallel line of contention between the ministry and the Governor. In April they proposed to locate the 2nd Waikato Regiment, under Colonel Haultain, in the Waikato district, on a line between Pirongia and Maungatautari. Sir G. Grey asked for precise information as to the posts to be occupied and the force to be placed at each. The ministers said they were to be on the line of the Puniu river, which would include Te Awamutu and Kihikihi. Each detachment should contain about 100 men. The precise points must be chosen by military authorities, but the land must be eligible for settlement. The Governor declared that as Commander-in-Chief he was entrusted with the power which the ministry wished him to cede to the General. They explained that they did not wish to interfere in questions as to the relative functions of the Governor and the General. Choosing sites for forts was not their duty. Then it appeared that wider differences were involved. The Governor disapproved of the ministerial plan, and circuitously strove to exhibit its effect. Before giving orders to locate the 2nd Waikato Regiment at the Puniu river, he wished to learn where the other Waikato Regiments were to be located, and over what extent of country they were to be spread. His ministers would not

gratify him. "The time had not arrived (11th May) when it was possible definitely to determine." On the 17th they submitted to him a draft Order in Council, which he declined to sign because it defined, under the Settlements Act—

"a district not of one tribe, or of a section of a tribe, but of many tribes, regarding some of whom no evidence had been placed before the Governor to show him that a considerable number of the members of such tribes have been engaged in rebellion. He ought not therefore to say that he is satisfied that they have been engaged in rebellion, and perhaps to do them an irreparable injury with his successors, who would, from his knowledge of the natives, assume that he well knew what he was doing. . . . Upon the whole, the Governor would prefer a district being in the first instance defined which would embrace a considerable part of the territory of the Waikato and Ngatimaniapoto tribes, who have been engaged in the rebellion."

The ministry (30th May) "deferred to his Excellency's preference," and prepared an Order in Council defining the boundaries proposed, but urged that the location of the military settlers should be disposed of as soon as possible, as expenditure was being incurred which "the colonial government would not have the means of meeting."

A singular episode occurred with regard to the Orders. On the 28th May, the Governor, Whitaker (Attorney-General), and Russell (Minister of Colonial Defence), attended the Executive Council to which they were submitted. Orders were produced proclaiming a district including the valleys of the Waipa and the Waikato from Paparata to Hangatiki, and another district at Tauranga. The Governor signed them. Regulations for the districts were submitted and discussed, but not approved. The Governor and his ministers differed as to what took place. The Governor declared that, after he had signed the Orders, regulations were submitted "upon which the whole question depended." One of them (relating to location of natives who had been in arms) was: "Every man will have allotted to him a certain quantity of land, which will vary in size, according to circumstances, from 5 to 1000 acres." The Governor argued that the natives ought to have a distinct offer, which would preclude all misunderstanding. The ministers declined to make any statement on the subject. From time to time they would advise. They would not "say whether they would hereafter give, or not, more land to the natives who might take it under these regulations."

"I repeatedly pressed" (Sir G. Grey said) "the necessity of their at once telling me their intentions regarding the confiscation of native lands, and the necessity also, of letting the natives know their true position in this respect, and what was to be taken from them. They as repeatedly declined. I declined to approve the Regulations until this was done, or to sanction the issue of the Orders in Council proclaiming the districts unless accompanied by a plain declaration to the natives of the proclaimed districts of what was expected from them."

The minute made at the time by the Clerk of the Council was afterwards produced. It stated:

"The Prime Minister submitted for approval three Orders in Council defining and declaring three districts under the New Zealand Settlements Act 1863, two of them being at Tauranga, and one in the Waikato territory. He also submitted for approval Regulations establishing the districts, but at present to be applied only to the smallest district at Tauranga. On which a long discussion ensued. The Regulations were not approved of, and the Orders in Council were ordered not to be issued."

The time occupied in the dispute put off any decision until Mr. Cardwell's despatch of the 26th April, 1864, arrived, and laid down those principles of justice and moderation—which Mr. Fox denounced as physically impossible, palpably absurd, and likely "to upset the plans of the colonial government." As, however, the Governor's voice was potential, the ministry, in compliance with his wish, stated (25th June) their views upon confiscation. They desired a frontier line from Raglan or Kawhia to Tauranga. All land belonging to rebels north of that line, and that extending to the southern line defined in the Orders (signed but withdrawn on the 28th May), was to be confiscated; but it was proposed to give, in convenient localities, from 10 to 2000 acres to each former inhabitant desiring to return. This was to be the confiscation in Waikato. It might be necessary to deal separately with the Ngatimaniapoto, whose land was insufficiently touched by this proposal. At Taranaki there was to be confiscation on both sides of the settlement. Sufficient land was to be taken from the Ngatiawa, Taranaki, and Ngatiruanui tribes to establish military settlements and "afford a substantial contribution to the expenses of suppressing the rebellion." On the west coast, land was to be taken, from the Waitotara river to a convenient distance, including Waimate. Except in special cases, where the loyal and rebellious held lands in common, lands of the loyal would not be interfered with, and the

ministry anticipated no difficulty in compensating the loyal. As to the east coast, "It would be impracticable to take forcible possession of the land of some of these tribes, and not desirable to attempt to place settlements on the land of any of them." If possible, cession of land should be brought about. Circumstances might modify these views, or the conduct of the natives might call for more stringent measures—"ministers must therefore reserve to themselves the right to alter or modify their present proposals." By the term "rebel natives" they meant all persons whose lands might be taken under the Settlements Act, who might "be found not entitled to compensation." Sir G. Grey explained that his original plan (June, 1863) of confiscation was to take land in Waikato proper, and not to go beyond Ngaruawahia. The military settlements would thus have had continuous support from a base at Auckland, and the population would have spread naturally as from a centre. It was not until April, 1864, that he had learnt at Pukerimu that the ministry proposed to abandon this plan and locate the Waikato militia on a line between Kawhia and Tauranga, in a manner widely different from that suggested by himself in 1863, and concurred with by the ministry of the day. Whitaker wrote a long paper to prove that the line suggested in 1863 "was of a different description." "From the time his Excellency's present advisers[36] took office, till the present time, they have never proposed or contemplated any other line of frontier than the one from Raglan or Kawhia to Tauranga." Whatever they had contemplated, until Maungatautari was evacuated they had not proposed such a line to the Governor. They waited till 10,000 British troops had struck down opposition before they made their demand.

But while shrinking from confiscating at large to gratify Whitaker and Fox, the Governor accepted the specific advice tendered to him as to forming military settlements in spots

[36] In 1879 one of them, Mr. Fox, made a singular statement as to the position thus described by Whitaker. "As the war was none of my making, so the confiscation was not prepared by me. . . . My Maori friends will see that it was made by Mr. Domett and Sir G. Grey. I had nothing to do with it" ("N.Z. Hansard," 22nd July, 1879, Vol. 31, p. 127).

far in advance of the southern limit designed by himself. The map first shown was so vague that the General asked for further information as to intended locations. A block of land about eight miles wide, stretching eastward from Pirongia to the Waikato river at Pukerimu, was marked out, but no sites for settlements were shown. The General was not told how many men were to be settled, or from which Waikato regiment they were to be taken.

On the 6th June, the ministry proposed that the 2nd Regiment should furnish settlements at Kihikihi and Pirongia; the 1st Regiment should afford men for a settlement at Tauranga, and the 4th Regiment should be located on the Waikato river, between Pukerimu and Kirikiroa. At each settlement 300 or 500 men were to be placed. The levity with which the ministers descanted upon war and waste was shown at this period. They were of opinion (27th June) that it was very desirable to send an expedition as soon as practicable against Waharoa's settlements of Matamata and Peria. They did not intend to occupy, but they would destroy. "It is of the first importance," they added, "that an effective blow should be struck at Taranaki and Wanganui as soon as possible."

In May the Secretary of State announced that the Act for compulsory taking of land for public purposes by Provincial Legislatures could not be recommended for allowance unless amended so as to exclude native possessions from its operation. This announcement reached the colony in July, and with it arrived a separate despatch enclosing observations made in London by Mr. Gorst, who deprecated such wholesale confiscation as would tend to render the Maoris desperate. He praised the Ngatihaua and Waikato tribes, from whom he had received many acts of kindness. He described their great villages and hamlets as if still

> "dotted about the country, surrounded by their patches of cultivated land. The whole district is occupied and used; it bears marks of having been enriched and improved by the labour of its inhabitants. Good fences have been erected; Rangiaohia, for instance, is surrounded by a fence many miles in circuit; roads are made in various directions; bridges have been thrown over impassable swamps, and a good many mill-dams have been constructed."

Mr. Gorst wrote in May; but the scene had been desolated in a manner unknown to him. To destroy cultivation,

orchards, mills, and homesteads, had been the theory and practice of the war. But though Mr. Gorst made no direct allusion to the ministry, Fox railed at his interference. He said his book on the Maori king, though "rather clever, was by the free use of the *suppressio veri* and the *suggestio falsi*" calculated to convey untruthful impressions, and was "also very full of absolute mis-statements."[87] He declared that the ministry could have had a staunch supporter in Mr. Gorst if they would have given to him a seat in the Legislative Council, to which Mr. Gorst replied, that though when in Sydney in 1863 he told Mr. Dillon Bell that he would accept such a seat untrammelled with office, and with freedom to express his own views, he did not await an answer from New Zealand, when none arrived by return of post, but sailed for England.

Having seen with what pertinacity minutes and counter-minutes were exchanged on the subject of escaped prisoners, the reader may conceive the length to which they were drawn out on other matters. It would be a hopeless task to invite him to wade through even a summary of the minutes which passed between the Governor and his advisers on the subject of land confiscation. It is a slough of despond. If a traveller could be imagined in a marsh never deep enough to drown him, never freshened by rain or stream, and without a shore, the task of the historian of New Zealand at this epoch can be understood. The mud of disagreement is stirred up at every step, and the wiles of controversy wind like weeds around him to prevent progress.

The extent of confiscation proposed by Whitaker and Fox deserves to be recorded. Though the latter had once opposed injustice to Maoris, when enlisted under Mr. Whitaker he abandoned his former contention. Commenting on Sir W. Martin's arguments (Jan., 1864), he declared that it was injurious to the Maoris "to retain possession of immense tracts of land, which they neither use nor allow others to use:" and there was no act of rapine which would

[87] Mr. Fox in his retort made a mis-statement. He averred that the song sent to Taranaki, in 1863, to stir up the natives to commit murders at Oakura, "and which became the tocsin of the rebellion, was composed for the occasion by a Middle Waikato man." Unhappily for Mr. Fox the song had been printed in 1850 by Sir G. Grey in a collection of ancient New Zealand songs.

not be sanctioned by such an axiom. Accordingly, when the ministry, flushed with the conquest of Waikato, submitted their scheme of confiscation in May, 1864, the district to be proclaimed under the Settlements Act, and subjected to confiscation, was sweepingly described.

From the Tamaki Portage, near Auckland, across the frith of Thames, and round cape Colville, thence by a line including the fringe of the sea to Tauranga, "thence through that harbour to Urumingi, thence to Arowhena, thence to Hangatiki, thence to the mouth of the Awaroa river on the Kawhia harbour, thence along the west coast to the Manukau harbour, and thence to the Tamaki Portage." Such was the line. Every man within it who had borne arms against the Queen was to sign a declaration to submit to her law, and to give up his arms, or to satisfy Whitaker's subordinates that he had none. The rape of the Waitara, which Fox opposed, was petty in comparison to the larger ravishment under the Order in Council prepared by Whitaker for the Governor's signature on the 17th May. It declared that the Governor in Council was "satisfied that the native tribes, or sections of tribes, or considerable numbers thereof in the district," had (after 1st Jan., 1863) been engaged in rebellion. The line exempted the Ngatiwhatua and more northern tribes, but subjected the Waikato, the Ngatimaniapoto, the Ngatiraukawa, the Ngatimaru, the Ngaiterangi, the Ngatipaoa, the Ngatitai, the Ngatihaua, and various sub-tribes or hapus, who had friends and blood-relations south of the line which ran from Kawhia by Hangatiki to Tauranga. Eight millions of acres would have been gathered within it. The Governor said he was not satisfied in the manner required by the Act: he would not mix innocent tribes with the guilty; he would not proclaim millions of acres as liable to penalties which in his opinion ought to fall only on territories of single tribes, or sections of tribes. Then followed the scene (28th May) concerning which the testimony of the Clerk of the Council has been cited. As the ministers (by their admission) declined to define their policy on confiscation, the Governor directed the clerk to retain the Orders already signed, and not to allow them to be issued until the Governor had approved the Regulations.

Mr. Whitaker, a few months later, wrote:

"It is possible that his Excellency has not understood the subject himself, and that the confusion of ideas which pervades his 'Memorandum' is the candid reflex of his mind. . . . The conclusions arrived at by his Excellency—as to the proposals of his ministers being contrary to law and equity, contrary to his duty to the Imperial Government, and not in accordance with the responsibilities imposed by the presence and aid of the British forces, and the expenditure of large sums of British money—are entirely without foundation . . . a just, satisfactory, and permanent peace has been indefinitely postponed by the vacillation and indecision of his Excellency."

Had Sir G. Grey vacillated in deference to Mr. Whitaker, he would perhaps have been credited with courage. It was certainly galling to intriguers to find their hopes dashed after the coveted Orders had been signed. To succeed in a trick, and not to reap its reward, is intolerable. The Orders thus blighted in the bud were framed to obviate the Governor's reluctance to confound the guilty with innocent owners. One confiscated a separate block at Tauranga. Another comprised an irregular block running along the valleys of the Waipa and Waikato rivers, from Maungatawhiri, and reaching Hangatiki. No estimate was arrived at as to the quantity of land which would be required for settlement and sale.

Bearing in mind what had occurred on the subjects of escaped prisoners, and confiscation of lands, it is startling to find that, in commenting on Mr. Cardwell's despatches laying down principles for the Governor's guidance as to confiscation and negotiation for peace[38]—the ministry (2nd Aug., 1864) told Sir G. Grey: "Practically no difference of opinion as yet exists between his Excellency and his advisers, and they trust it may not arise." As, however, after publication of the despatches, "a feeling had arisen in the colony" that Mr. Cardwell intended to "subvert the existing arrangement as to the administration of native affairs in some matters," the ministry protested "without delay against the introduction of a new form of government," partly administered by the Governor, and partly by his advisers.

[38] 26th May, 1864. Mr. Cardwell: "It is my duty to say to you plainly, that if, unfortunately (your ministers') opinions should be different from your own as to the terms of peace, Her Majesty's Government expect you to act on your own judgment," &c.

Let the reader reflect upon the difference between the cession suggested by Mr. Cardwell and the confiscation proposed by Whitaker and Fox. All tribal rights were guaranteed to Maoris by the treaty of Waitangi. One contracting party has no power to abrogate any provision of a treaty. Cession as an act of a whole tribe might plausibly be represented as within the scope of the treaty. Confiscation was an outrage upon treaty and law: for Whitaker confessed that it would be worthless unless applied so as to rob the innocent. Admitting that a Maori could be made a rebel because he resisted attacks made upon him, and that his rights might be forfeited; yet his share in land was tribal, and to confiscate his rights left those of others unharmed. The portion of the tribe which remained faithful to the Queen therefore gathered into themselves both by treaty and law any lapsed rights of their tribesmen. Te Wheoro and his friends, who accompanied General Cameron in the Waikato campaign, might be enriched by the death or disappearance of their conquered tribesmen, but the destroyed rights could not attach to the Queen. No men knew this fact better than Whitaker and Fox, and their persistence in urging confiscation was but a continuance of the spirit which actuated the New Zealand Company and Earl Grey in deriding the "so-called treaty" made by the Queen. Sir G. Grey (26th Aug.) forwarded the ministerial protest to Mr. Cardwell. He affirmed that the publication of Mr. Cardwell's despatch (26th April) had "produced a very happy effect upon the native population." To it he attributed in no small degree the surrender of the Tauranga tribe. He pointed out that the discussions between himself and his advisers, as already communicated to Mr. Cardwell, showed that considerable difference had arisen between himself and his advisers on questions of Imperial concern. He urged, on general and local grounds, that it was not salutary to hand over to a ministry, feebly responsible to the local legislature, uncontrolled power over the lives, actions, and honour of British men and officers engaged in war in a country where the race which elected to the Legislature was more or less excited against the other race which was altogether unrepresented, and yet included the largest landed proprietors in the northern island. He was

confident that when Mr. Cardwell had determined on a policy, just to Great Britain, to Maoris, and to colonists, he might rely on a majority in New Zealand in support of it.

In the end of August General Cameron, being consulted on the demand of the ministry for a frontier line (partly maintained by the Queen's troops) from Raglan or Kawhia to Tauranga, saw great objections to an expedition in winter against tribes at Matamata and Peria, and to what appeared like a winter campaign at Taranaki. As the ministry seemed to cling to their own ideas of strategy, Sir G. Grey told him (30th Aug.) that—"If he had not determined not to act upon the advice ministers tendered him,[39] that operations should be followed up at Tauranga in the manner they proposed, the aspect of affairs in New Zealand would have borne at this time a very disastrous character." The thirst of the ministry (27th June) for destruction at Peria has been mentioned. Mr. Mackay (Civil Commissioner) reported (16th Aug.): "It does not appear to me that the natives intended to be otherwise than friendly towards the government unless some military operations take place at Matamata or Peria, in which case if the hostile natives were driven down into their country they would assist them, and retreat to the wooded spurs of the Aroha ranges, a position, from its inaccessible and rugged nature, they could occupy and maintain with a very small force against highly superior numbers." The ministry sneered at Mr. Mackay as having been duped; but in Sept. they overstrained their powers. The Maori prisoners had been transferred to the island of Kawau in Aug., and Mr. Fox had recorded his protest against Mr. Cardwell's theory that, subject to law, the Governor was the arbiter of their fate. The inability of the ministry to deal justly as to negotiations for peace, or cession of lands, threw responsibility upon the Governor, who (7th Sept.) sent to his advisers a draft of a proclamation drawn in compliance with Mr. Cardwell's instructions, in order to give the natives an opportunity of submission before the resumption of warlike operations. He offered free and absolute

[39] *Vide supra*, pp. 268-9.

pardon to all who might "come in on or before the 22nd Oct., take the oath of allegiance, and make cession of such territory as may in each instance be fixed by the Governor and Lieutenant-General." The pardon would not be extended to persons guilty of certain murders which were to be specified. The ministry agreed to the issue of the proclamation with provisoes. Whitaker required the Governor's assurance that the cessions would be of the required extent, and that, if not availed of by the day fixed in the proclamation, the terms should lapse, and forfeiture should without further delay supersede the proposed cession. The Governor would not give the assurance. The ministry craved territory to defray war expenses, or for military settlements. He, on the other hand, viewed the cession as a punishment inflicted to deter others from rebellion, and proportionate in each case to the guilt of the tribes involved. He could not seize land more largely than justice would warrant merely because it might be wished to plant settlements upon it. Mr. Whitaker declined (13th Sept.) to acquiesce in the proclamation. Rebels were from time to time surrendering, and the government ought not to vacillate. The Governor misunderstood the ministerial view of acquisition of territory. "Ministers explicitly declared that the contemplated cession should include the objects (named by him), not that they were the only ones sought." Their memorandum was long. The Governor replied to it on the following day. He had not accepted advice from ministers on several occasions, because he would not drive a nation to despair. If the ministry had intended to oppose the spirit of Mr. Cardwell's despatch, Sir G. Grey thought they ought not to have published it. For his part he concurred with its justice. He unhesitatingly appealed

"to his country and to posterity to judge between his views and those of his responsible advisers, and to pronounce whether, when a man has come to a decision amidst so many and great difficulties, his responsible advisers ought not to refrain from clouding his judgment, and trying to force him to a decision he does not approve, by using such language as their memorandum contains. If, upon reconsideration, his responsible advisers still refuse to acquiesce in the proclamation submitted to them, as the Governor, for the reasons he has stated, considers it to be his duty, sorry as he is to differ in opinion with them, to adhere to his intention of issuing it; he begs to be informed what course they intend to pursue."

The escape of the prisoners from Kawau might delay the issue, but he wished for an early reply. On the 20th Sept., the mail from England brought information that Mr. Reader Wood's negotiation for the New Zealand loan had failed to procure more than a small instalment, and even that at a low minimum. Out of £1,000,000 offered, only £5000 were tendered for at £90 on the first day. On the 22nd, the ministry requested to be relieved from office "if his Excellency adheres to his intention of issuing the objectionable proclamation." Sir G. Grey, before deciding to accept their resignations, determined to acquaint himself with the financial condition of the colony. They had averred that their demand for land was not vague; that it was "not a quantity to be measured by any man's opinions, but a given rule easily applied, which would leave nothing to be determined by thoughts and opinions, and in strict accordance with the instructions from England and the views of the General Assembly." The Governor asked what was the given rule so easily applied. They told him that each military settler was entitled to a certain number of acres, that a similar rule would apply to each immigrant from Great Britain, and that there would be no difficulty in determining the moderate quantity required for sale. He asked for an approximate estimate. On the 30th Sept. they formulated their demands as to quantity, but not situation, of land required by confiscation. In Auckland, military settlers would require 360,000 acres; emigrants from England, 240,000 acres; for sale would be required 400,000. In Taranaki, military settlers would need 180,000 acres; emigrants from England, 120,000 acres; for sale would be required 300,000 acres. The total was less than had been proposed in the Assembly, but ministers had "made the modification for the purpose of avoiding any imputation even of prolonging the war for the acquisition of territory." The sudden readiness to give information was due to an interview between Mr. Reader Wood (the Treasurer, who had returned from England) and Sir G. Grey on the 29th Sept. Mr. Wood, in a letter from England (written in July), had complained of attacks in the "Times" newspaper upon the colonial government and the colonists, "accusing them of closing all avenues to peace,

and of employing the British troops to fight—not in a war of defence, but in a war of aggrandizement, and for the purpose of wresting land from the natives by force." Mr. Wood, arriving from England (in Sept.), and discussing the subject, was told that the opposition of the ministry to the proclamation of pardon to the natives was calculated to close the avenues of peace. Mr. Wood suggested that the ministry should retire. On the 30th Sept., they tendered their resignations. They were, therefore, practically out of office when they consented to inform the Governor, even approximately, how much land they wished to confiscate. He thanked them, and asked them to show approximately the boundaries of the required lands. They were unable to do so, "even approximately. . . . It was not intended to take the land required in one block, but in several, of which some would have been small; and as to others there is not sufficient information to determine even the precise localities." Again appealed to, they sent a tracing in which they designated 340,000 acres surrounding Taranaki, a rectangular block of 564,000 acres extending from Waimate to Waitotara, and an irregular block widening from Drury to the south so as to include the valleys of the Waipa and Waikato and reaching nearly to Hangatiki. But they furnished this approximate description on the distinct understanding that neither their successors nor the Assembly were to be prejudiced by their act.

The Governor was unwilling to seek new advisers until he had obtained accurate information as to the financial position of the colony. He asked for it on the day on which his ministers had formally resigned. They replied: "Ministers do not understand that it is the duty of his Excellency or themselves to furnish information as to the financial position of the colony to any person who may profess a willingness to accept office; indeed they foresee probable evil consequences as the result of such a circumstance to men not under responsibility." They would, however, furnish information. Outstanding debts amounted to more than £1,400,000, of which half-a-million was due to the Imperial government, and was to be paid out of the proceeds of that portion of the loan for three millions which the Imperial government might guarantee.

The monthly expenditure exceeded the monthly income. The government had drawn nearly three-quarters of a million sterling against debentures for a million and a quarter, held in London for sale or hypothecation. Nevertheless, the ministry declared (3rd and 6th Oct.) that they saw "no financial difficulty whatever if the plan of settlement and confiscation be carried out as authorized by the General Assembly and sanctioned by the Imperial government, notwithstanding the failure of the immediate negotiation of the loan." They added that in consequence of that failure they would have advised an immediate reduction of war expenditure had they remained in office. Mr. Cardwell's despatch (26th April) on confiscation or cession, when shown to Mr. Reader Wood in England, had elicited his written concurrence:—

"I take this opportunity of stating, formally and officially, that which I have previously had the honour of stating to Mr. Secretary Cardwell personally, that there is nothing in the instructions of 26th April to Sir G. Grey that does not represent the views of the colonial government in practically carrying into effect the policy of confiscation authorized by the Legislature in the New Zealand Settlements Act. . . . On my own behalf, therefore, and that of my colleagues, I can give to Mr. Cardwell a full assurance that the local government will certainly co-operate with Sir G. Grey in carrying out that just and temperate policy towards the native race embodied in the New Zealand Settlements Act as limited in its operation by his instructions of 26th April."

Mr. Wood was in no doubt as to Mr. Cardwell's meaning, for he wrote to his colleagues (with regard to the requirement that "a measure should be at once submitted to limit the duration of the Act to a definite period," &c.), that he asked Mr. Cardwell whether he wished the Parliament to be at once assembled *ad hoc*, and Mr. Cardwell replied: "Two years are given during which the Crown has the power of disallowing; if within that time I find that the Parliament will agree to carry out the Act in the manner I have suggested, and to limit its duration to a definite period, the power of disallowance will not be exercised; if not, it will."

The reader who bears in mind Mr. Fox's denunciation of Mr. Cardwell's despatch as utterly mischievous, must be anxious to escape from the crooked windings in which it has been necessary to follow the course of the Whitaker ministry. On the 8th Oct., they informed the Governor that they thought that all war expenditure from colonial

sources should be stopped, and that the General Assembly ought to be summoned at a date not later than 15th Nov. Sir G. Grey, in view of the financial position, thought that a new ministry could not be formed in time to meet emergencies, and that the proper course would be to summon the Assembly. He acquiesced with their advice. They had also urged him to bring the Settlements Act into operation, but he understood Mr. Cardwell's instructions and his conversation with the Treasurer as implying that the Act ought not to be brought into operation until there had been a failure to obtain cessions of land in the manner proposed by the Governor's proclamation. He would undertake that the natives making them should do so as defeated rebels, and would conclude no arrangements without considering the opinions of his advisers. He did not ask the ministry to acquiesce in his proclamation or be responsible, but wished it to be inserted in the "Gazette" at the time chosen by himself. On the 24th Oct., he forwarded it in terms similar to those in the draft rejected in Sept. by his advisers, but extending the day of grace to the 10th Dec. instead of the 22nd Oct. At his request they added a list of exemptions from pardon of all persons (unnamed) engaged in the commission of murders which were found by juries to have been committed by some person or persons of the native race. The catalogue included 29 cases. The proclamation, signed on the 25th, was issued on the 26th Oct. None of the ministry countersigned it. The General and the Commodore concurred with it, regretting that it had been so long delayed. The king-maker wrote to the Governor. He was almost alone in Waikato. The war preparations had drawn the tribes to Taranaki. "Extend to me," he said, "the days from the 10th Dec. even unto the end of Feb. My great desire is to have to the end of April, but I presume you would not grant my request, and, therefore, only ask to the end of Feb." Let the chiefs assemble to consider the proclamation. For himself, the suspension of hostilities he had agreed to at Ngaruawahia, still continued. "I gave my word then. You keep Waikato. I will not fight there. My word is the same now. The words which I now leave for the assembling together of Waikato are:—

these and other points the ministry continued to compile minutes until the day before which the Assembly was to meet. The Governor's last memorandum urged that he had endeavoured to act constitutionally, and that he was "satisfied that larger experience in public affairs of the kind which have recently been transacted in this colony, will lead his present advisers ultimately to admit that such is the case, and to withdraw their present opinions, and to regret that they have often expressed themselves in language of such unusual strength."

In forming a new ministry it was requisite to respect Mr. Cardwell's injunctions, and contemplate a reduction of the Imperial forces. The small section of the English public which concerned itself with the wrongs of Maoris recoiled from the extermination of a gallant race. Naval and military officers shrank from being made a catspaw to drag from the fire the prizes coveted by some colonists.[40] The taint of the original injustice at Waitara manifestly clung to the acts of Whitaker and his colleagues. The army and navy loyally fought against the Maoris, but they accorded to them an admiration, if not a sympathy, which they could not feel for some of their grasping countrymen. Mr. Cardwell wrote (26th Sept.):

"If the doctrines now broadly propounded by your ministers are to be admitted, New Zealand must be regarded not only as owning no dependence upon the mother country, and as having that inherent right which independent countries exercise of conducting their own affairs a[illegible]g to their own judgment, but as having this right coupled with [illegible]gular privilege of enjoying the services of a Governor, a General, [illegible]rmy furnished by this country. On the other hand, the mother [illegible]ould be simply a tributary nation, affording at its own co[illegible]s of carrying into effect the policy of the colonial ministers, [illegible] any voice in the direction of that policy. It is suffic[illegible] conclusions. It is not necessary to enter into any disc[illegible]

[40] The military always evinced more humanity th[illegible] of those whose battles they were fighting. Lieut[illegible] a "Narrative of the Late War (1860) in New Zea[illegible] 1863), said, p. 189: "Many more would have re[illegible] but from fear of the colonists, who treated eve[illegible] the greatest brutality. . . . The prisoners [illegible] carefully guarded, not so much to prevent escap[illegible] an English and unmanly attacks of the Europ[illegible] do so with safety, treated them with the g[illegible] different was the behaviour of the soldiers.

England had furnished an army of the finest troops under an accomplished general, had consented to guarantee a loan for the service of the colony, and Mr. Cardwell looked for a spirit of reason, of good sense, and of cordial co-operation, which he was confident would not be appealed to in vain. The Governor's new advisers would be compelled to include Mr. Cardwell as a factor in the forces controlling new Zealand so long as Imperial troops might be retained.

There had been a public meeting at Christchurch (21st Oct.), at which Mr. Weld had advocated a policy of self-reliance. Let the colony take all the expense and all the control of the Maori question and war. Let every soldier go. Let the General Assembly be convened without delay. Sir G. Grey found in such a speaker the minister he required.[41] Oral agreement having been arrived at, the terms were reduced to writing. Mr. Weld pronounced "the system of double government by Governor and ministers" to have "resulted in evil to both races." He recognized the right of the Home government to maintain the existing system while the colony received aid from British troops. He accepted the alternative, and would "recommend the General Assembly to request the Home government to withdraw the whole of its land force from the colony, and to issue such instructions to the Governor as may enable him to be guided entirely by the recommendations of his constitutional advisers, excepting only upon such matters as may directly concern Imperial interests, and the prerogatives of the Crown." Pending the decision of the Imperial government he would ask the Assembly to "undertake a reasonable liability for the services of the troops actively engaged in the field at the special recommendation of his Excellency's advisers, and for such troops only." A colonial force would be kept on foot, a military post occupied about the centre of the coast-line of the Ngatiruanui country, and a road would be made from Wanganui to the northern part of the Taranaki province. Arrangements made with military

[41] The antagonism which Mr. Weld had displayed against Sir G. Grey in 1863 (with regard to the seizure of the Waitara and its abandonment), did not prevent the Governor from receiving his former assailant as an adviser; and Mr. Weld, always urbane in demeanour, was not chargeable with personal motives.

settlers were to be fulfilled by taking sufficient land out of the territory held by military occupation. The seat of government would be at once moved to Wellington. If there should be material difference between the Governor and his advisers during a recess, Mr. Weld would resign, and in such case he thought that either the Assembly should be summoned or other advisers chosen. The boldest part of Mr. Weld's scheme was not that which seemed so at first sight. As General Cameron had smitten down the Maori warriordom—as Mr. Weld intended to make use of Maori auxiliaries—an arm not largely resorted to in 1863—and there were tribes ready to fight with or without provocation, the dispensing with the English troops was not so daring a measure as it appeared abroad. But in financial affairs the government was helpless. The Whitaker ministry were wise in their own generation when they shrank from exposing to a probable minister the condition of the New Zealand Treasury. Mr. Weld addressed himself to the task, and by the weight of his reputation made arrangements which tided over the difficulty, until it could be met by taxation. He ever professed friendship for the Maori, although he could not be brought to recognize the Ngatiawa tribal tenure at Taranaki; and one of his first acts was to ask the former magistrate of the Waikato district, Frederick Dart Fenton, to become Chief Judge of a Native Land Court to be established by law. The Court which the Act of 1862 enabled the Governor to create from time to time had proved almost a dead letter. The first necessity was to pass a new law without delay. Under it the judges, like those in England, held office "during good behaviour." They were no longer to be the ephemeral creatures of a Governor or of his advisers. They were to be assisted by native assessors (holding office only "during pleasure"), whose concurrence was necessary in any judgment. The salaries of the judges were fixed by the creating law. Thus was seen the first rift in the cloud of oppression with which Whitaker and Fox had enshrouded the Maoris by their Confiscation (New Zealand Settlements) and their Oppression (Suppression of Rebellion) Acts. Between 1860 and 1865 arms had expelled the gown from the solemn atmosphere over which justice is wont to preside in dealing with

hereditary and treaty rights. With a pliable governor like Colonel Browne, and a lax Secretary of State like the Duke of Newcastle, the whole of the North Island might have been pilfered from its owners. Though the great majority of a tribe might be loyal, a few might be hostile to the government, and on that plea the whole territory might be confiscated. Mr. Whitaker had contended that such a power was the essence of his needs. It was known and admitted by Governor Browne that the great majority of the tribes were on the side of Te Rangitake. The native rights which the government literally cast into the fire in 1860 were now to be the subject of inquiry by law. Mr. Weld was wise enough to know that unless the law so earnestly sought by Sir William Martin could be applied to unloose the Gordian knot of Maori tenure, nothing but the sword would remain.

CHAPTER XIII.

1864-1867.

THE WELD MINISTRY.

MR. WELD's propositions being recorded, Sir G. Grey wrote: "If a majority of the General Assembly concurs in them, it will be the Governor's duty to aid to the best of his ability in carrying them out." Mr. Sewell, Mr. W. Fitzherbert, Mr. J. L. C. Richardson (in the Council), Major H. A. Atkinson, and (in December) Mr. Mantell, accepted office on the terms thus arranged. The Houses, summoned to meet for despatch of business on the 21st Nov. (1864), had by successive proclamations on the 19th and 22nd been prorogued to the 23rd and 24th while the Governor sought for advisers. On the 24th he thanked the members for responding at an unusual season to a summons rendered imperative by public affairs. On his own responsibility he had offered terms of pardon to natives in arms against the Queen. He intended to restore order in the Taranaki and Ngatiruanui districts. In accordance with the recommendation of a Commission, the seat of government would be immediately removed to Wellington. The speech dwelt upon the principles embodied in Mr. Weld's memorandum on acceptance of office. After an attempt (defeated by 29 votes against 17, amongst the Representatives), to postpone the removal of the seat of government "until provision has been first made for constituting the province of Auckland a separate colony, to be ruled by a Governor appointed by

Her Majesty and a Legislature to be chosen by the inhabitants thereof," addresses were carried in both Houses, cordial in character, but reserving for consideration the question of self-reliance in internal defence and the assumption of responsibility as proposed by Mr. Weld. Mr. Weld condemned the Suppression of Rebellion Act as vigorously in office as when he was a private member. "It was unnecessary and unconstitutional, taken from a bad type of barbarous ages. All that can be said in favour of this disgrace to our statute-book is that it has been a dead letter." Mr. Sewell as Attorney-General (in the Legislative Council) carried resolutions accepting the propositions of Mr. Weld.

In the other House, Mr. Weld (30th Nov.) moved resolutions condemnatory of joint responsibility of the Governor and his advisers in native affairs. Divided councils, vacillating policy, and needless expense were due to it. Recognizing the right of the Home government to "insist upon the maintenance of this system of double government so long as the colony is receiving the aid of British troops," the House was invited to accept the alternative, to request unconditionally the withdrawal of the whole of the land force, and ask that the Governor should be guided entirely by his "advisers in native as well as ordinary affairs, excepting upon such matters as may directly concern Imperial interests and the prerogatives of the Crown." Some members dreaded a precipitate withdrawal of the troops. After adjourned debates, including a great speech by Mr. Fitzgerald, amended resolutions were carried by the government without a division. They expressed loyalty to the Crown, gratitude to the mother country, and thanks to Her Majesty's forces. They trusted that Mr. Cardwell's instructions had been issued to meet a temporary emergency, and would lapse. "Without disputing the claim of the Imperial government to exercise a reasonable control over policy upon which the restoration of peace must necessarily depend whilst the colony is receiving the aid of British troops," they averred that divided councils had produced great evils and expense:

"That nevertheless the colony is resolved to make every further possible effort to place itself in a position of self-defence against internal

aggression, with a view to accept the alternative indicated by the Home government, namely, the withdrawal of Her Majesty's land forces at the earliest possible period consistent with the maintenance of Imperial interests and the safety of the colony: thereby enabling the Imperial government to issue such instructions to his Excellency the Governor as may permit him to be guided entirely by his constitutional advisers in native as well as in ordinary affairs, excepting upon such matters as may directly concern Imperial interests and the prerogatives of the Crown."

Substantially both Houses agreed upon a new starting point, which was to furnish endless disputes in after years. Almost all men of political note had supported it, however, and from danger of internal interference it seemed free. The electoral roll of the colony at the time was not 30,000; or less than that of the present constituency of Newcastle-on-Tyne, and the fate of the Maori race was to depend on a mere majority of the number.

The session was short. The high character of the Treasurer (Fitzherbert) greatly aided the passage of financial measures. An Act enabled the Governor-in-Council to raise the interest on the loan for £3,000,000 (1863) from 5 to 6 per cent. A Debenture Act authorized the issue of short-dated debentures (three years) at 8 per cent. interest in anticipation of the loan for £3,000,000. A Customs Act, with the hope of increasing the revenue to the extent of £190,000, raised the rate of duties. A Public Works Land Act authorized the taking of native lands as well as those of Europeans on the giving of compensation. A New Zealand Settlements Amendment Act, intended to comply with Mr. Cardwell's requirements, was adopted. Minor Acts and Private Acts need not be enumerated. On the 13th Dec. the Assembly was prorogued with the assurance that, before the end of the financial year, it should be convened at Wellington. On Mr. Fitzherbert's motion the House had reselved that it was not expedient to accept the offer of the Imperial Government to guarantee £1,000,000 of the loan for £3,000,000. The objections stated were that priority of charge was required for the guaranteed portion, and the territorial revenue was to be included in the security. It was resolved that the accounts should be adjusted, and "the true and just balance found due from the colony" should be paid. But resolutions provide no funds. A loan implies a lender, and confidence of capitalists

is not engendered by mere words. Confronted by the financial difficulty, the ministers (3rd Jan.) pathetically appealed for relaxation of the rule as to contribution towards army expenses. "If from any cause the withdrawal of Her Majesty's land forces should be delayed for any lengthened period, and the terms now imposed by the Imperial government should be insisted on, the colony will be wholly unable to bear the burthen, and financial ruin will be the result." Because the House had thought it rash to withdraw the troops suddenly, Mr. Weld had slightly changed his front, and looked for delay. He found delay intolerable. Look where he would there was trouble. But the tender mercies of Britain could be appealed to. New Zealand was a very young colony, founded by "the Imperial government, and may not unreasonably look to it for help in time of need like the present." It was true that peace existed, but measures then being taken between Taranaki and Wanganui "would involve the colony in heavy cost." Subject to their present appeal *ad misericordiam*, the ministry would give effect to the resolutions of the House, and enter upon the question of accounts with the Imperial government. If the war expenditure of the colony had not been brought about by the original sin of the Taranaki settlers, of Mr. Stafford, Mr. C. W. Richmond, and others, it would indeed have been entitled to commiseration. Mr. Fitzherbert, the Treasurer, in his financial statement Dec., 1864 had shown that of the one million sterling said to be appropriated the colony would only receive £810,000. He was not sanguine enough to expect more than £1,650,000 for the remaining £2,000,000 authorized by the Loan Act. Anticipation and discount—the one ever more exorbitant, the other ever more difficult—were the keys to the wind treasury of the colony. It is not wonderful that the lands of the Maoris were still eyed eagerly as the talisman of salvation. The claims of the British Treasury could not be denied, but might be discussed. Discussion would put off the day of reckoning, and meantime their servants would hardly abandon the colonists. The new government depended on discussions in the parlour of the bank of New Zealand. The bank was empowered (27th Jan.) to issue debentures for £750,000,

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£50,000 of which were to be offered in New Zealand, £200,000 in Australia, and half-a-million in London. The interest was to be 8 per cent. The bank was to receive 7 instead of 5 per cent. on its overdrawn account, and to have power to hypothecate the debentures in case of failure of sale, the government bearing the expense of hypothecation. The bank was to have a commission of ½ per cent. on negotiation. These terms appear more like the bargain of a young spendthrift than the state paper of a nascent nation; but, such as they were, they formed the warp of its life. The inspector of the bank went to Australia, but capitalists were obdurate. "The chief causes of failure were," he reported, "the general ignorance which prevails as to New Zealand affairs, and the impression that the colony is involving itself in debts, the redemption of which will be problematical." One capitalist in Melbourne offered to take £10,000 of the debentures at 10 per cent. discount, but to such an indignity the inspector would not submit. To receive £9000, pay £800 a year for three years, and then to pay £10,000, was more than needy New Zealand could undertake. Some trifling sums were obtained at about par, and a friendly bank in Melbourne lent (for six months) £40,000 at 10 per cent. Out of the abundance of capital in London a small portion was attracted by the hope of 8 per cent. Yet less than £200,000 were obtained within a month of the submission of the debentures. The cost of colonial defence was at the time nearly £450,000 a year. Military settlers at Waikato and Tauranga cost more than £156,000 a year; and with Taranaki, White Cliffs, Opotiki, Waiapu, and contingent hospital expenses, military settlers required nearly £300,000 a year. Notwithstanding a favourable turn in the London market New Zealand stock was practically unsaleable in May, 1865. In March the ministers entreated assistance. They admitted that good faith required payment of the debt of the colony to England. They had transferred £400,000 (4 per cent. debentures) to the Imperial government, and they left it to that government to hold them as securities, or to cover them with a guarantee. They appealed to Sir G. Grey to testify that they had never proposed "to recoup war expenditure by hasty and indiscriminate sale of confiscated

land," and that they had "co-operated with him in a just and temperate policy" towards Maoris. They hoped that the English government would recognize the claims of the colony, "either by covering the remainder of the three million loan by the Imperial guarantee, or by making to the colony an annual grant in aid of extraordinary expenditure for the next four or five years." Sir G. Grey supported their appeal for the guarantee. Mr. Cardwell, in July, unequivocally declined. Were he to ask Parliament to consent he would be reminded that already the Imperial Treasury had disbursed two millions for New Zealand, and that the resources of the colony, as represented by Mr. Reader Wood in applying for the former guarantee, were such as to refute the supposition that it could require a vote in aid.

The effect of these negotiations was to harden the resolution of Mr. Weld and his friends to dispense with British troops and rely upon a small force, aided by the pugnacious Maoris, ever prone to tribal wars. Mr. Weld, however, alleged that he desired to avoid, if possible, the "setting of tribe against tribe," and hoped that the union of the Pakeha and the Maori in the battle-field would "strengthen the good feeling between the races, besides being a great assistance to the colony."[1]

At the close of the session the Governor issued a proclamation (17th Dec., 1864) to confiscate Maori lands. He had opposed the schemes of Whitaker and Fox, but he did not, when Mr. Weld was in office, insist upon procuring land by cession rather than by seizure. The land to be taken was "all the land in Waikato taken by the Queen's forces," within specified lines from "Pokorokoro in the gulf of the Thames," by Maungakawa in the Waikato district, Pukekura, Orakau, the Puniu river, the Pirongia mountain, Whaingaroa harbour, the coast to the Waikato Heads, thence by the river Waikato to the Maungatawhiri river, and northwards circuitously to the point of commencement. In addition, "all lands northward of the above boundaries, belonging to rebel natives or tribes up to and as far as the waters of the Manukau and the Waita-

[1] "Notes on New Zealand Affairs." F. A. Weld. London: 1869.

mata," were declared confiscated. It was added: "The land of those natives who have adhered to the Queen shall be secured to them. . . . To those who have rebelled but who shall at once submit . . . portions of the land taken will be given back for themselves and their families. The Governor will make no further attack on those who remain quiet. Those guilty of further violence he will punish as he has punished the Waikato tribes." Between Wanganui and New Plymouth he would "take such land belonging to rebels as he may think fit;" would make roads where he chose; would assure "to those who have remained and shall continue in peace and friendship the full benefit and enjoyment of their lands," but would except from amnesty those who had committed murders. Mr. Weld's ministry had stretched the Governor's conscience from Ngaruawahia to Orakau. The great Waikato plain, between the waters of the Horotiu and the Waipa, was accorded to the demands of Weld, though refused to Whitaker. Kawhia was left, but from the Puniu river to the waters of Waitemata the natives were exiled; and in Taranaki the Pakeha was to declare whether any standing room should be left for the foot of a Maori. Mr. Cardwell's wisdom was discarded in the concord of the Governor with his new advisers. Some qualms were felt about the proclamation, for before the General went (Jan., 1865) to Wanganui, a new proclamation disclaiming any "desire to take lands of the rebel natives as a source of profit" was "unanimously approved" in the Executive Council. It limited the area to be confiscated on the west coast, and was to be entrusted to the Native Minister, who was to accompany General Cameron on an expedition to Wanganui. It was cancelled lest it should "embarrass his military operations."[2]

It would have been strange if a ministry containing H. A. Atkinson, popular at Taranaki, had abstained from war. The session had barely come to an end, when a ministerial memorandum declared it necessary to act at Taranaki and Wanganui; to form military settlements and roads between the two places; and, as soon "as circumstances may permit,

[2] N.Z. P.P. 1879; A. 8.

to occupy as a military settlement a block north of the mouth of the Waitara river."[8]

The General distrusted the moderation of the Governor's advisers. "If the extensive scheme of confiscation, road-making, &c., contemplated by ministers (in which I do not know whether you concur or not) is to be carried out, I think we ought to apply at once for reinforcements." The carrion-birds which, under the name of contractors, batten upon the miseries of war, had not failed to find a home in New Zealand. It was natural that the regular army should recoil from a service in which strife had no sooner died out in one corner than it was revived in another. When the Waikato chiefs withdrew from Taranaki, Governor Browne proposed to make war on Waikato. When Waikato was desolate, Tauranga was pounced upon. When Tauranga was at rest, war was to be transferred to the west coast at Waitotara. The General went to Wanganui, and wrote (21st Jan.): "The more I think about it the more I am convinced that we have done wrong in bringing war into this hitherto quiet settlement." A major in the service had written to him before he left Auckland: "One thing is very certain, and that is that the men who sold the (Waitotara) block had no right to do so, and it is the old Waitara dodge for getting up a war, and the consequent military expenditure at Wanganui." On the 28th the General (in a private letter subsequently laid before the Assembly) wrote: "I have made inquiries about the purchase of the Waitotara block, and have reason to believe that it was a more iniquitous job than that of the Waitara block. I am not surprized that the natives have opposed our road-making. The government at home ought to be made acquainted with the true history of the business."

He found Maoris entrenched at the Weraroa pah, within 20 miles of Wanganui, and wrote (28th Jan.): "I consider my force insufficient to attack so formidable a work as the Weraroa pah." Posts, escorts, and protection of Wanganui were needed, and "instead of 1100 men, my present available force, I should require 6000." A short distance beyond

[8] The gradual encroachment deserves notice. In 1859 the government said they were willing to leave Rangitake unmolested on the north bank.

Weraroa was the Waitotara river. The General proposed to cross it, and to establish a post at the Patea river. In disgust he exclaimed: "All the well-to-do settlers are, I believe, aware of the folly of this cruise and deprecate the war, but the shopkeepers and settlers greedy of land of course delight in its continuance." He was early compelled to fight. Near Nukumaru, close to the Weraroa, the Maoris, under Hone Pihama, attacked his "pickets so suddenly that they were forced back some distance before reinforcements could arrive." On the right they penetrated to within 100 yards of the camp. The English loss was considerable, but it was thought that the Maoris had suffered more, although only 11 killed and 2 wounded were found. The friendly natives on the river, under Hori Kingi, Mete Kingi, and others, who had fought at Moutoa, were attacked, but beat off their assailants with loss. The victors had to deplore the death of the chief, John Williams, the principal actor in capturing the murderers of the Gilfillans in 1847. The country was difficult, the enemy numerous and daring. "I would, therefore, recommend that your Excellency should apply by the first opportunity for a reinforcement of at least 2000 men, and for a still larger reinforcement if, in addition to the occupation of the country between Wanganui and Patea, the road between Taranaki and Wanganui is to be opened, and more land is to be confiscated and occupied north of the Waitara, which I understand is to be the plan of the colonial government approved by your Excellency."

The General strengthened his force by withdrawing troops from Wellington and from Taranaki, and crossed the Waitotara (5th Feb.). The Maoris retorted by killing a settler and a militia soldier who was "out contrary to orders, plundering a Maori settlement." There was panic among the settlers. The General sent 150 men to Wanganui, and asked the Governor to repair thither to consult with him. Hau Hau fanaticism was not only rife at the west coast. The prophets, finding the General bent upon war, made a diversion at the east. Two of them, with Hori Tupaea of the Ngaiterangi, and Tiu Tamihana of the Ngatihaua, undertook to stir up the tribes. Colonel Greer, still commanding at the east, was informed of the invasion,

and wrote to the Arawa chiefs. "This is my word to you; when they go into your country catch them and fetch them up to me." The invaders were on the Maketu river, expecting others to rally round their flag. The Arawa chiefs captured the whole party of 50 (8th Feb.), and, after a march of 38 miles, delivered them to the government. Hori Tupaea, who had been captured separately when unarmed, expressed his regret to Colonel Greer, and offered to take the oath of allegiance. He had been deceived. The Colonel allowed him to remain on parole in the camp.[4] The Governor accepted the penitent's promise to assist in quelling disturbance, to reside where the Governor might direct, and to observe the terms accorded to the Tauranga natives in the previous year. The blow given to the fanatics was severe, but the hostile natives were enraged against the Arawa chiefs, and tribal wars were anticipated. It was unhappily clear that the Hau Hau tenets had been accepted in many tribes, and it was impossible to guess when or where some new atrocity might be perpetrated.

Early in March the Governor was at Wanganui, having requested his advisers to furnish him with a statement of their views, as he feared there was an impression abroad that the war was prosecuted for profit; an imputation which the ministry denied in a formal document (20th March). And now another horror cast lurid glare upon the times. When Captain Lloyd's head was carried away, in 1864, it was at Pipiriki, on the Wanganui river, that it had been placed on a pole and fanatics danced round it in furious orgies, rushing up, biting it, and treating it with brutish indignities. Again, in 1815, the baked head of an English soldier was taken thither by fanatics led by Patara and Kereopa. They were to stir up the tribes in the Bay of Plenty. At the same time the prophet Te Ua did not counsel assaults upon colonists. His written instructions were: "While on your journey do not interfere with those whom you may meet. Do not quarrel with the Pakeha.

[4] Mr. G. Graham said (11th Aug., 1865), in the New Zealand Parliament: "When Tupaea was made a prisoner he was sent back to Tauranga, and was then again taken. This put the natives in despair until they got a letter from Mr. Fitzgerald, and that helped to raise their hopes a little. He believed that the arrest of Tupaea was the cause of the murder of Mr. Volkner."—*N.Z. Hansard.*

At Turanganui give Hirini te Kani the flag and [illegible] man's head." On the way, 200 of the Uriwera tribe [illegible] indoctrinated. The head was used as a mystic [illegible]. Terror caused by it took possession of each as [illegible] shown to the file of Maoris; and each sprang out of [illegible] in turn. Kereopa, the officiating priest, then said; "[illegible] are now possessed of the Deity. Let the widows of [illegible] who fell at Orakau approach and vent their anger on [illegible] head and on the Pakeha prisoners." The maddest of [illegible] obeyed him.

On the 1st March, the Rev. Carl S. Volkner and the Rev. [illegible], missionaries, arrived in the Opotiki harbour. In [illegible] a lady living at Whakatane wrote to warn [illegible] to stay in Auckland, for mischief was on foot. It [illegible] till the bar was crossed and regress was impossible [illegible] voyagers saw by the river-side a band of the Pai [illegible] Patara and Kereopa, after stirring disciples to [illegible] at Taupo, Uriwera, and Whakatane, had arrived at Opotiki. The vessel was in their power when she was [illegible], and the missionaries were ordered on shore. The vessel was rifled. Her contents were placed in a store of which Maoris kept the key. A violent Hau Hau meeting was held at a Roman Catholic Chapel. It was strange that, as in China, the Tae-ping (Great Peace) rebels professed to link with direct revelations through their chiefs some Christian tenets, so the Pai Marire (Good Tranquillity) desperadoes, in throwing off their allegiance and disavowing the religion of England, assumed a portion of the Roman Catholic cult. The Scriptures were to be burnt, but the Virgin Mary was ever to be present with the Hau Haus. The Christian Sabbath was not to be respected as in England. There was to be no marrying or giving in marriage, for by promiscuous intercourse, under the rule of priests gifted with supernatural powers, the Pai Marire would be as the sand of the sea-shore for multitude. The first profession of these tenets disgusted the manly Wi Tako. The king-maker was about to condemn them.

The Hau Haus kept up their orgies in the Roman Catholic Chapel beyond the mid hour of night. The captive missionaries and sailors heard the horrid din. A Taranaki native guided them to an enclosure in which to

rest. The sailors joined heartily in reading the evening psalm. In the morning the very air seemed full of omen that some dreadful deed was to be done. Mr. Volkner paid to the Maori widow a small legacy which it was his custom to disburse to her. She gave no warning, but in half-an-hour twenty armed men appeared, performed some cabalistic rites, and told Mr. Volkner to go with them. Mr. Grace wished to join him, but was forced back, and locked up. His turn, he was told, would come next. Two hours he was in agony about his friend. Heremita, who had led away Mr. Volkner, returned and conversed with the guard. Mr. Grace heard the words (in Maori) "hung on the willow tree." They went to his heart. He told the sailors, who said: "All is over." They were called out and marched between files of Maoris past the open space near the church. They were robbed and imprisoned with their hands tied behind their backs. Grace inquired about Mr. Volkner, but no word was vouchsafed. The murderers shrank from telling what they had done. Yet they had taken possession and slain in open day. Before Volkner's arrival his house had been broken open, his goods were sold, and war-dances were held in his church. When they seized their victim, they dragged him with a rope round his neck, and hanged him on a willow tree. But the ruffian Kereopa would not wait for gradual death. The body was lowered, and Kereopa fired upon it. Again it was raised with violent jerks. The Maori wife of a European told her husband what she saw. The Roman Catholic chief Hiki remained in his pah during the murder. The body was carried to the Protestant chapel. Kereopa told Hiki to come and see. Hiki saw. Kereopa said: "I have killed him, now you cut off his head." Hiki did so. Kereopa then called on all the hapus, men, women, and children, to come and taste Volkner's blood. Kereopa then scooped out and swallowed the eyes. Patara was absent making converts, and it was not supposed that he would have joined in the atrocities, for although he had assisted in plundering Volkner's house, he left a letter warning Volkner not to return to Opotiki; and after Volkner's murder he disclaimed participation in it, and upbraided Kereopa. Mr. Grace and his companions were led to the house of a Mr. Hooper, who was ill. Six

or seven natives, four sailors, the sick man, and Mr. Grace were shut up in one room. After an hour and a half they were unbound. Previously, a Maori had lifted a can to the mouth of each to let them drink water. Mr. Grace asked why they were unbound. The answer was: "A time to bind and a time to loose, a time to kill and a time to make alive." Shut up in the suffocating atmosphere of a small room, the prisoners passed the day and night. "As I lay awake," Mr. Grace wrote, "I could distinctly hear the confusion, dancing and shouting going on in the Romish chapel, and also in the church." He commended himself and his companions to "the watchful care of our Heavenly Father." In the morning (3rd March) he found a prayer-book. The wonderful Psalms of David touched him, as they have touched the spirits of myriads of mankind, with a graciousness not of this world. "Some of the Psalms for the day" (he wrote) "appeared written for the occasion." In the comfort of the resurrection and the hope of awaking in the Divine likeness, the soul of the prisoner found strength. Patara had been sent for to decide upon Mr. Grace's fate. Throughout the 3rd and 4th of March there was suspense. On the night of the 4th, Patara returned. Mr. Grace sent a message to him in the morning. He passed the prison, shook hands with Mr. Grace, and spoke a few words. An hour afterwards the prisoners were summoned to a meeting in Mr. Volkner's church. Three hundred natives were assembled. The Taranaki fanatics seated themselves within the communion-rails. Europeans were present. Patara denounced soldiers, ministers, and Englishmen. For all Jews, Frenchmen, Scotchmen, Austrians, and Germans, he had love. Natives brought charges against the murdered Volkner. He had gone to Auckland as a spy, a cross had been found in his house, therefore he must have been a Romanist and deceiver, and he had returned to Opotiki after being told to stay away. Mr. Grace defended his dead friend; and though Patara replied, he said nothing in justification of the murder. Grace was attacked for sundry supposed faults. The land question was the subject of a long harangue, to which he replied that neither Volkner nor himself had any land. Ransor

by Mr. Grace, or exchange of prisoners. The Maoris agreed to take Hori Tupaea in exchange, and the captain undertook to carry the proposal to Tauranga. Mr. Levy, brother of the captain, was to remain at Opotiki, and the captain was to continue to trade. On the 6th, Patara went inland, ordering that Mr. Grace was to be kindly treated, and permitting him to write to his wife. Mr. Grace assured him that Hori Tupaea (released by Sir G. Grey) was already at liberty. On the 13th, Eparaima, a native of Tauranga, who knew Grace there in 1853, arrived with a message from a Pai Marire prophet, desiring Mr. Grace's release. On the 15th, Eparaima started to obtain further help; but it was ominous that on that day the Pai Marire raised a new pole for their worship, and a feast was to be held. Captain Levy's vessel was detained by want of wind. But help was at hand where least expected. The murder of Mr. Volkner, far from rousing the natives generally to like atrocity, had shocked them.

From Whakatane, from chiefs of the Ngatiawa, from Turanga, from Maketu, from Rotorua, from Huria, letters denounced the shedding of the innocent blood of the missionary. The Arawa at Maketu denounced the Ngatiawa because they had not actively prevented it.

H.M.S. "Eclipse," under Commander Fremantle, reached Turanga on the 13th. The sailor and Bishop Selwyn found Bishop W. Williams amidst 300 Maoris, most of them armed. They had assembled to decide what they should do about the Pai Marire, some of whom were within a mile and a half of Bishop Williams' station. Bishop Selwyn addressed the assembly with fervour, but they would not take arms against the murderers. They alleged that their doing so would endanger Mr. Grace. They wrote to Hori Tupaea, urging him to go forward to assist Mr. Grace. Th[illegible] Bishop and his friends vainly strove to persuade the n[illegible] dissociate the liberation of Mr. Grace from a [illegible] the re[illegible] Tupaea. Eventually Mr. Grace [illegible] go m[illegible] was taken on board of the [illegible] companionship with horrors. [illegible] the labours of Bishops [illegible] utary effect in repelling [illegible] Maus. Some who had

previously sympathized were shamed. The Arawa were eager to prove their loyalty. Bishop Selwyn, fresh from the scene, thus addressed the third Synod of his Church at Christchurch in 1865:

"The war, which seemed to have come to an end, was renewed by the perversity of a few misguided men. Mixed with the new element of the confiscation of land it acquired a bitterness unknown before. The missionary clergy were believed to be the agents of the government in a deep-laid plot for the subjugation of the native people. Our congregations melted away; our advice was disregarded. Exasperated by continued defeat, and loss of friends and relations, many became reckless. The feeling grew among them that they would abandon the religion of their enemies and set up one of their own. An impostor from Taranaki (Te Ua) placed himself at the head of the movement. Pretended miracles, unknown tongues, inspiration from heaven, messages of angels, were alleged as usual in support of the imposture. The delusion spread and reached the east coast. New tribes were to be startled and overawed. A leader of inferior rank demanded of the people of Opotiki the sacrifice of their own missionary. No other life was touched of the many white men who fell into their hands. It was a murder of fanaticism. . . . Our first martyr died at peace with his enemies, and prayers for his murderers."

Whether Te Ua was fanatical at the first, or merely in wild despair, like many of his accomplices, he sought to strike terror, and was prepared, if need be, to die a bloody death, must be matter for conjecture. The Maori was ever superstitious. It was on the mysterious influence of "tapu" that his primitive polity was based. Though that polity had been well-nigh overthrown by Christianity, it had reasserted itself with hideous additions when the belief was accepted that the missionaries were leagued with the government to rob and subjugate the Maoris. In 1847, Sir William Martin had predicted such a result. Mr. Maning had declared that the rise of strange delusions, and belief in supernatural powers displayed in the person of priest or chief, were incidents often repeated in Maori life. The imputed unholy alliance between the missionaries and the government had engendered the new Maori chimæra.[6]

Pouring out his sorrows to a friend in England the Bishop said:

"Oh! how things have changed! how much of the [illegible] has been sobered down by experience! when instead [illegible] believers welcoming me as their father, I find here [illegible] scattered sheep, the remnant of a flock which has fors[illegible] Think of my hanging on to a grapnel off Mr. Volkner's [illegible]

[6] Λεοῦ ἀνωφέλεια [illegible] —"Iliad,"

daring to land as Coley (Bishop Patteson) and I are accustomed to do at some heathen island visited for the first time. At this place I do not know how far it is right to go among my people, though in former times peace or war made no difference in their willingness to receive me. At present we are the special objects of their suspicion and ill-will. The part which I took in the Waikato campaign has destroyed my influence with many. You will ask, Did I not foresee this?—and if so, Why did I go? I answer that, though 10,000 men were sent from England, no military chaplain arrived at headquarters till the advance had reached its furthest point in Waikato. Then there were many wounded Maoris brought in from time to time to whom it was my duty to minister. Add to this that two of our mission-stations (those of Mr. Ashwell and Mr. Morgan) had been occupied by a native clergyman and catechist, whom no threats could induce to leave their posts after the English missionaries were advised to retire. It was my duty to see they were not injured when our troops advanced, and this made it necessary for me to be in the front, and thereby to expose myself to the imputation of having led the troops. This has thrown me back in native estimation more, I fear, than my remaining years will enable me to recover. . . . But what are my sorrows compared to those of the Bishop of Waiapu (W. Williams), who had completed his quarter of a century at Poverty Bay, and after constant effort and anxiety had just begun to rest upon a settled system, with a thriving college, seven native clergymen, a diocesan synod meeting annually, in which the proceedings were conducted entirely in the native language . . . ? In the midst of these sorrows we have solid comfort in the sight of the stability of our native clergymen, who have never swerved from their duty. . . . The real cause of war in New Zealand has been the new Constitution, and the cause of the greater bitterness of the strife has been the new element of confiscation introduced by the colonists against the will and express orders of the Home government." (The argument that a Maori would feel more than anything else the punishment by confiscation might have) "some force if the Maori had committed some real crime of which he was conscious, but when he believes that the Englishman has only been waiting his time to do what he has now done, and that the land was doomed as much if the owners were innocent as if they were guilty, then confiscation becomes in their eyes simple spoliation and has none of the effect of punishment. Certainly nothing could look more like a determination to provoke a quarrel than the Waitara business. . . . The Hau Hau superstition is simply an expression of an utter loss of faith in everything that is English, clergy and all alike. . . . This is the result of seeking first 'the other things' except the 'one.' . . . O earth! earth! earth! such has been our cry. The Queen, law, religion, have been thrust aside in the one thought of the acquisition of land."[6]

It has been seen that the liturgy of the Hau Haus was partly compounded of elements supposed to be Roman Catholic, and that Kereopa and his comrades enacted many of their orgies in a Roman Catholic chapel at Opotiki before

Tarawhiti. The reader will learn in what manner the [illegible] endeavoured to make Tarawhiti suffer for his brave [illegible] pp. 490-493.

[illegible] Rev. F. Coleridge, 20th Dec., 1865, *vide* "Life of [illegible] 279. *Cf.* supra 282 n.

they murdered Volkner. They were ruffians and fanatics, but they could see what, even if he saw it, did not repel the first Marquis of Ripon from subjugation to a foreign yoke. They knew that a recognition of foreign supremacy was treachery not only to the Queen, but to the essence of English freedom. Obscured, betrayed, at times wounded almost to death, yet ever again bursting from its bonds, that English freedom of Church and State which preceded and survived the House of Normandy, and was in important particulars maintained by the greatest of English monarchs (Ed. I.), was repellent at all times of foreign authority. Therefore, the Hau Haus courted the religion of Rome as an aid in breaking down loyalty to the Queen. There were some Roman Catholic Maoris in the district where the Rev. Hadfield had laboured from 1839 until 1865. When he was supposed to be in personal danger of attack from the Hau Haus (after the murder of Volkner), the Roman Catholic Maoris offered to protect him if he would flee to them. Their "mana" would be his defence. He answered that he was ready to lay his bones at Otaki, whether after violent or natural death, but nothing would induce him to move from his post; and with the aid of the son of Rauparaha the efforts of the Hau Haus were foiled at Otaki.[9]

The murder of Volkner revealed the savagery of which the new superstition was capable. If the fanatics could not meet European arms in the field, they could murder. By slaying Mr. Volkner in the midst of his flock, which dared not raise a voice in his favour, they had shown not only that they were without compunction, but that the more eminent the victim the more grateful was the sacrifice to the fanaticism under cover of which they had sprung back at a bound to the sickening orgies which had once been a religion amongst them.

Where then was the centre of the new faith? Where best could it be sought and strangled? Its cradle was in the west, where the rape of the Waitara had led to

[9] Bishop Selwyn, hearing of Hadfield's danger, wrote (7th June, 1865): "I am ready to join you if you think I can be of any assistance, but I do not like to come without first communicating with you, as I am now suspected and slandered by all the king natives."

desolation of Maori homes, but it found aliment wherever the policy of the Taranaki settlers was bruited. The gallant Wi Tako Ngatata went to the east coast to prevent its spreading. The settlers at Poverty Bay (April) expressed to him and his companion chiefs their grateful sense of services conferred during his stay:—

"Notwithstanding that your own lives have been threatened, you have done your utmost to strengthen the hands of those who have been exerting themselves to save this district from those troubles which seemed to be coming like a flood upon it, and under the Divine blessing your efforts have been so far successful, that the influence of the Hau Hau party has very considerably diminished since the time of your arrival; and Patara and Kereopa have both left the district with their followers, having been unable to stand their ground against the opposition which has been brought to bear against them and their pernicious doctrines. May God preserve your own district from those troubles which you have shown yourselves so solicitous to avert from this."

Ihaka Whanga at Nuhaka, and Kopu at Wairoa, local chieftains on the east coast, boldly met three hundred Hau Haus, and at great discussions in April stemmed the tide of fanaticism. At about the same time (June) Tamihana te Rauparaha foiled the Hau Hau emissaries who visited Otaki to spread their doctrines. At Sir G. Grey's request, Captain Luce, of H.M.S. "Esk," visited the chiefs on the east coast in April and May, encouraging them to remain faithful to their religion and to law and order. With Mr. Fulloon as interpreter, he attended meetings which were apparently successful in instilling confidence; but he thought the Maoris were everywhere in a state of unhealthy excitement. The Bishop of Waiapu had left in displeasure, and his departure had shamed many Hau Hau converts. The ineffable capacity of depravity in man came before Captain Luce in a strange shape. A deserter from the 57th Regiment had joined the Pai Marire.

Patara with armed men held colloquy with Captain Fremantle (H.M.S. "Esk") on the 24th May. The chief "appeared quite prepared against a *coup-de-main*, and, confident in his strength, held a hunting-whip under his arm, but had evidently a pistol in each pocket." He denied complicity in the murder, and acquiesced in a proposal that he should return to Opotiki. It was satisfactory to know that at Kawhia Rewi repelled the idea that he or his tribe had sanctioned the murder.

Mr. George Graham being about to visit Waikato, in May, volunteered to meet the king-maker and other chiefs, and persuade them to take the oath of allegiance. Sir G. Grey empowered him (9th May) to assure them of his desire to treat them with generosity, to bring prominently before them his letter (16th Dec., 1863) promising them kind treatment after the fall of Rangiriri, and to explain the proclamation of Dec., 1864, proffering pardon while confiscating land. In May also the Native Land Purchase Department was abolished, and it was notified that cessions of land would be negotiated for under the Native Lands Act of 1862 (to which the Royal assent had been given on the recommendation of the Duke of Newcastle in 1863), the operation of that law "rendering the continuance of the Land Purchase Department unnecessary." A proclamation (April) denounced murder, cannibalism, and other revolting acts of the Hau Haus as repugnant to humanity, and called on all well-disposed natives and Europeans to aid in repressing them.

Mr. Graham saw the king-maker face to face, and weary of his country's woes the patriot, baffled rather by the crimes of others than by his own shortcomings, agreed to take the oath of allegiance at Tamahure before Brigadier-General G. J. Carey. The latter rode thither (27th May) from his camp at Te Awamutu. Mr. Graham preceded the chiefs, bearing a paper, which Waharoa was willing to sign under the British flag:—"We consent that the laws of the Queen be the laws for the king (Maori), to be a protection for us all, for ever and ever." When Waharoa arrived with his friends, he dismounted and walked uncovered towards Carey, who shook hands with him. The covenant was signed by the chiefs, and by Carey and by Graham. Te Waharoa said little, but requested that the Governor would appoint a Commission to inquire into his character, which had been maligned. The Governor telegraphed the submission to England, and wrote to Te Waharoa, who answered from Matamata. . . . "All I think of is that peace is made. There is rest,—a breathing—from the weariness and fatigue of working this evil work of war. The weapons of war have been cast away." Important no doubt was his submission, and the Hau Hau brutalities

had tended to bring it about: but as Te Waharoa had failed to restrain Rewi in 1863, so it was certain that he could do nothing to check those whom Wi Tako had called madmen when he spurned any connection with their doctrines.

Sir G. Grey was at Wanganui when Mr. Volkner's death was reported. Friendly chiefs there had just guaranteed to chiefs at Pipiriki full pardon from the government on submission. One of them, Topia Turoa, had come to Wanganui (14th March) to discuss the guarantee. That night the murder of Volkner was made known, with the horrible addition of the orgies round the soldier's head at Pipiriki, where Topia had been an accomplice in sanctioning the expedition to Opotiki, although from his youth he had been familiar with Englishmen. The Governor saw Topia, who said (15th March) he had no desire to be there, but had come because he was sent for. He would not take the oath of allegiance. The Governor declared that Topia was responsible for the murder by having acted as a Hau Hau priest at Pipiriki, but as he had come to Wanganui under arrangement with Hori Kingi, Mete Kingi, and others he might depart. If even now he would take the oath of allegiance the promises made by the chiefs should be respected. "To-day he may return up the river. To-morrow a large reward will be offered for his seizure; and, if caught, he shall be tried for murder." Topia replied: "You say I am implicated in the murders of Mr. Hewitt and Mr. Volkner. It is correct.[10] I am implicated in them, and also in the work of the Hau Hau." The Governor asked Mete Kingi if the chiefs knew that Hewitt's head had been at Pipiriki when they made peace there. Mete Kingi, Hori Kingi, and others said "no;" and Topia coolly said: "The head had passed on when Hewitt was killed; it was another head." He had made peace with Hori Kingi, but not with the F[illegible]ns. "If you choose to arrest me [illegible] u can. [illegible] illing to be arrested without offe[illegible] nce. [illegible] ink to frighten me into taking [illegible] allegi[illegible] ts. I will not take it. [illegible] agre[illegible] out [illegible] of

offering a reward for me to-morrow." The Governor said: "He had better go at once. I will have no further intercourse with him." Topia left, and the friendly chiefs endeavoured to procure his submission; but he would do nothing more till he had consulted his friends. In after years he was to render signal service to the government.

The ministry advised with the Governor about rumours that war was being carried on for the profit of the colonists. Sir G. Grey (7th April) sympathized with his advisers, and suggested that military aid, accompanied by such remarks as those of General Cameron, was so undesirable that it would be better for the colony to see the military force reduced and rely on its own resources. On the 8th, the ministry concurred, declaring that it could not be hoped that the qualities required for success would be displayed by any officer, however distinguished, in support of a course branded by him with such severe reprobation. The Governor on this occasion wrote his despatch suggesting the withdrawal of troops and an Imperial guarantee for three millions, or a Parliamentary grant for four or five years, which, as has been seen, Mr. Cardwell declined to sanction. On the 4th March, without mentioning the General's comments in January upon the Waitotara block, the Governor had recommended that inquiry should be instituted with regard to the purchase, as disparaging rumours had reached him. The ministry were willing that Sir W. Martin should be appointed a Commissioner for the purpose, but they wished to know the name of the Governor's informant. When asked at a later date for his reasons for believing that the purchase was an iniquitous job, the General, whose relations with the Governor were then unfriendly, replied that it was no part of his duty to collect information on such a subject, and he declined to enter into any correspondence with the Governor about it; but he would acquaint Her Majesty's Government with the information on which he had formed his opinions. When he furnished his reasons they were resolved into a conversation with a stranger.

Facts about the Waitotara block were laid before the New Zealand Assembly. Dr. Featherston and others repudiated the General's inferences. General Cameron

should have applied his intelligence to the quarrel between the Maori and the colonist at an earlier date. If he could have averted the crossing of the Maungatawhiri he might have had no need to protest against the dealings with Waitotara. There was open rupture between the Governor and General about a private letter of the latter (30th March) concerning the Weraroa pah. To have assailed the natives in a position so advantageous to them would not have punished them:—

"I have no doubt they would have been delighted if we had attacked their pah, and that they have been as much disappointed at our not attacking them as you and Mr. Mantell (Native Minister) have been. What is it to Mr. Mantell[11] or to any other Colonial Minister how many British officers and soldiers we lose in any operation they recommend, so long as the policy they advocate is carried out. And I confess that this is a point which it appears to me has never sufficiently entered into your calculations. . . . I have a grave responsibility in the matter, and having already lost a great many valuable officers and men in attacking pahs I think I may be excused if I am somewhat cautious in undertaking operations of that description without the most absolute necessity."

Angry correspondence ensued. The Governor informed the General that Her Majesty's government must determine whether the General was justified in creating secretly wrong impressions, "and in now shrinking from giving me an opportunity of giving explanations regarding my proceedings (which I have been called on to furnish), by refusing to acquaint me with the statements you did not hesitate to make, but dare not produce" (10th June). The General replied that he cared not what construction his Excellency might be pleased to put upon his actions. Each blamed the other for unduly communicating, to third persons, confidences which should have been kept sacred.

At this time a serious shock was sustained by the colonial government; for while professing a self-reliant policy, Mr. Weld used Imperial troops. The Commissary-General, Jones, suggested that the presence of the Governor and two

[11] The General was unhappy in singling out Mr. Mantell for reprobation. His voice and pen were often used more eloquently than the General's in demanding justice for the Maoris. The Governor was equally unhappy about the same time. It was in April and May, 1865, that he was defending himself against Mr. Fitzgerald's criticisms on the seizure of the Tataraimaka block, the building of a barrack within the territory of Tawhiao, and other preludes to the invasion of Waikato. Mr. Fitzgerald was to become his Native Minister in August, 1865, on Mr. Mantell's retirement.

ministers at Auckland made it convenient to settle a debated question of advances from the Imperial chest, which Mr. Jones thought might fairly come to an end in a few weeks, except in such special cases as might be approved by the General. The power of the colony to repay the advances seemed to Mr. Jones "very problematical." The General concurred with Mr. Jones, and (5th June) forwarded his letter to the Governor, proposing to cancel all existing authorities (for issues of pay and rations) on the 1st Aug. On the 9th June, Sir G. Grey seriously presented the aspect of affairs to the General's consideration. "If you choose to cancel all the existing authorities . . . I cannot prevent you from taking such a course, and the colonial officers shall be instructed to afford you any information; but I think it my duty to state why I think it would be disadvantageous to the colony as well as to the Imperial government that you should at the present time follow" such a course. Negotiations in progress should be speedily closed; the regiments to be ordered to England, and the occupation and maintenance of posts should be decided upon; and the extent to which the commissariat should assist in that maintenance should be determined. The General (21st June) intimated that he would refer the commissariat question to the Secretary for War. As to Weraroa, he had frequently explained his opinions, and the commanding Royal Engineer "fully concurred with me, that a siege of the position is not advisable at this season of the year." The Governor told the Secretary of State that he believed no other commander in New Zealand had ever gone into winter quarters, and that it was pernicious to leave rebels undisturbed for months close to Wanganui.

General Cameron remained at Auckland writing despatches to England to countervail those of the Governor. Despatches from Mr. Cardwell and from the War Office contemplated the sending away of five regiments from New Zealand at an early date. Mr. Cardwell wrote (26th April, 1865):—"The Secretary of State for War will send no reinforcements to General Cameron, but will repeat the instructions already given for the withdrawal of five regiments with as little delay as possible, consistently with the safe execution of my instructions to you. On your part

you will confine your requirements for the assistance of General Cameron within the limits which I have prescribed."

The Assembly was to meet in July. The General had tendered his resignation in February, and in June received permission to return to England. He had power to delay his departure, but, looking at the relations between himself and the Governor, saw no advantage in remaining. This was, he said, the fault of the Governor and his advisers.

The native garrison in Weraroa was weakened, and in the end of June there were divided counsels at the pah. Rangihiwinui negotiated for its surrender, and wrote to the Governor that a dispute between the military and the militia had impeded him. The military authorities would settle no terms without consent of the General, who was in Auckland. Several chiefs carried the letter and gave explanations. The Wanganui Maori contingent was indignant when restrained from attacking the pah.

At Wellington (12th July), the ministry formally announced that, on the meeting of the Assembly, they would resign. They had on the 11th, with equal formality, declared that they could not recommend an appropriation of £40 per head for Imperial forces in the colony. They based their resignation on the General's conduct. He influenced, if he did not guide, the Imperial government. He conveyed hostile criticisms and imputations, and refused to explain. They gratefully acknowledged the constitutional support of the Governor; they did not doubt the approval of the Assembly; but such an irresponsible authority as that arrogated by the General made their resignations imperative. The Governor enclosed their minute to the Secretary of State, and feared that great political embarrassments would arise.

Within a week Sir G. Grey was in the field before the Weraroa pah. Already it was suspected, if not known, to be weakly garrisoned. Hori Kingi, Rangihiwinui, and other chiefs had nearly procured a capitulation. Troops were encamped close to it. Br[illegible] Waddy was with the Governor. Pehim[illegible] chiefs in the pah, awaited his arriv[illegible] They were willing to put it in the [illegible] le frien[illegible]

the government. They wished for time to remove women and children. The Governor granted it. He asked if Hori Kingi would take possession. Hori Kingi had no confidence in Pai Marire fanatics, and declined. The Governor said he would do so, and the chief must accompany him. The rebel chiefs returned to Weraroa to make preparations to receive the Governor. A white flag was flying. The Governor, General Waddy, Major Gray, Captain Bulkeley, Colonel Trevor, and Mr. Parris the interpreter, rode towards it. They were met by Maoris, one of whom inquired whether time to remove women and children would be given. "Yes, that had been arranged." Were they to be punished for their rebellion? The Governor said all would be pardoned except murderers; and those who returned to their allegiance would be treated in all respects like the Queen's European subjects. The natives said all was satisfactory. Aperahama came out of the pah and requested the Governor and Hori Kingi to enter it. Hori Kingi rode to Sir G. Grey's side, saying: "Oh! Governor, do not let us go in. Ride up and touch the fence with your hand, and let that satisfy you." Other natives begged him not to go in, saying that the people in Weraroa were "fanatics, given up to old customs." Nevertheless, the Governor, Hori Kingi, Hori Kerei, and Mr. Parris, rode on. At thirty yards distance from the pah, a Hau Hau priest came out and told the natives not to allow the cavalcade to approach nearer. Hori Kingi's eyes detected guns in the pah. Chiefs stood before the Governor and begged him to desist. After a time he rode away. Pehimana and Aperahama were sincere, however. Failing to prevail on the garrison to surrender, the former immediately gave himself up. The latter surrendered on the following morning. On the 18th, the garrison made further pretences, vainly asking the Governor to send away the soldiers.

The Hau Haus did not rely only on diplomacy. Topia Turoa, who bearded Sir G. Grey in March, was on the war-track. Captain Brassey, commanding at Pipiriki, was assailed. Friendly natives warned the Governor, and no time was to be lost. On the 19th July Grey asked General Waddy if his instructions from the General permitted him to invest Weraroa. That officer could not do so without

orders from General Cameron. The officer asked if he would establish a post of 400 men near Von Tempsky's camp, and thus furnish moral support; sending also a detachment of artillery to keep down the fire of the besieged while the local forces and natives worked their way up to the assault. The brave Brigadier consented. The available force consisted of 473 men, viz., 25 Wanganui cavalry, 139 Forest and Bush Rangers, 109 native contingent, and 200 Friendly Maoris. Though perched on a high point from which precipices or steep banks descended about 300 feet to the Waitotara river and the Koie where they joined their streams, Weraroa could be commanded by still higher ground on the opposite or right bank of the Koie, where there was cover for riflemen. The pah was placed rearwards to the Koie and Waitotara. The valleys of the Waitotara and Koie were exposed to fire from the pah, and no danger was apprehended in the rear. A pathway led across the Koie stream, and on the Karaka ridge on the other side was a redoubt to cover retreat from Weraroa, and facilitate supplies and reinforcements across the Koie valley, about 500 yards wide. Hori Kerei, to whose father the Karaka range had belonged, explained the peculiarities of the surrounding forest. At 2 a.m. (20th July) the plan of attack was fixed upon. The Karaka height was to be occupied by surprise, a circuitous route to it being taken through dense forest; and thus Weraroa was to be rendered untenable. Early on the 20th, Colonel Trevor arrived with 100 men of the 14th, and encamped on the left front of the pah. At ten o'clock Captain Noblett brought 100 of the 18th, and pitched his tents near those of the 14th. At half-past twelve the colonial and native forces were paraded; and then, by a road unseen from the pah, moved off for the Karaka heights. The weather was cold and rainy. Major Von Tempsky was ill, and Major Rookes took command of the expedition to Karaka. Rangihiwinui, the eye of the force, accompanied him. In front of the pah [illegible] G. Grey with a few friendly natives, and the mor[illegible] 200 British soldiers, aided by the empty te[illegible] defenders of the pah believed to be o[illegible] on the 21st the success of the [illegible] unknown in front of Weraroa. [illegible]

announced that Major Rookes and Rangihiwinui had done their work. Cheers were heard from the height, and confusion was in Weraroa. After a march of six hours Major Rookes had gained his position. At half-past four he surprised a native village and outpost, capturing fifty prisoners with their arms, and two kegs of ammunition. They comprised a reinforcement on the way to join the rebels in Weraroa. They incommoded him, and he was busy entrenching his position; he could not send them away without dangerously weakening his force. Colonel Trevor allowed some of the 14th Regiment to guard the prisoners in conjunction with 50 Maoris whom Sir G. Grey told Major Rookes to send as escort. To increase the force in front of the pah, the Governor begged the Colonel in command at Patea to send 200 men to be placed under command of General Waddy. Captain Brassey was in danger at Pipiriki, and the Maori allies were to help him after the capture of Weraroa. Sir G. Grey wrote to Major Rookes:— . . . "We shall make a sham attack on Weraroa from this side to-morrow morning at daylight, and seize a position ourselves. . . . P.S.—I rely on your having picked shots to give them no peace by day, and ambuscades well planted every night, so that nothing can get in or out in safety."

To Mr. Cardwell the Governor wrote that his strategic arrangements were defective in one point of view. The force in front was too small; but "the critical position of Captain Brassey and his small force at Pipiriki made it necessary to risk a great deal, and I think that no risk greater than what ought, under such circumstances, to have been run was incurred." Major Nixon reported from Wanganui that 400 Hau Haus were preparing to attack Captain Brassey. Maori allies wrote to the chiefs before Weraroa: "Friends, the enemy have closed the way to Pipiriki by occupying Te Puha. They have drawn near to the Pakeha; be quick hither." Before Weraroa the friendly chiefs viewed with alarm the smallness of the force. Blood was thicker than water, and it was felt, though not expressed, that on an emergency Colonel Trevor would convert a moral into a physical force. But the number of the garrison was unknown. Colonel Trevor ordered up 50

men from Nukumaru, and a like number from Waitotara. Though the 200 men expected from Wanganui had not arrived, and the 200 men at Patea had only just been asked for, the siege was to be carried on. Colonel Trevor was ready to make his sham attack in the morning. Before sunset marksmen in Major Rookes' force dropped rifle-shots into the pah. The rebels were in confusion. The Karaka heights commanded their position. They knew not how few were those permitted to fight against them; and their opponents knew not how few formed the garrison. They fled down cliffs and precipices. The Maori allies with Major Rookes saw that the pah was evacuated. At daylight it was entered and handed over to Colonel Trevor by the few Maoris left within it. The English knight to whom an Irish garrison surrendered when they saw him bring from the forest a charred log on wheels, which in the Plantagenet days they mistook for a cannon, had been successfully imitated by Sir G. Grey. The guns ordered from Waitotara were countermanded. The officer at Patea was requested to keep back the 200 troops asked for on the day before. At half-past two in the morning of the 22nd the Governor wrote to Captain Brassey:— . . . "We go into the pah at daylight, and at the same hour a large force starts to rescue you. A messenger will take this to you who will manage to get through the enemy. Hold out bravely; within a few hours after you get this you will have help."

The "Gundagai" steamer and canoes carried the relieving forces. Amongst them were Hori Kingi and Rangihiwinui. After the expedition had started a letter was received from Captain Brassey announcing that he had been attacked on the 19th, but had beaten off the enemy. Captain Brassey had promised the Maori letter-carrier £15 for taking his letter safely to Major Rookes. As some of the rebels could read English, the gallant captain added this postscript: "*Sumus sine rebus belli satis.*"—"My cry, if I could make it heard, would be—the M! M!!" On the 1st Aug. relief reached him [illegible] Mete Kingi, Hori Kingi, and other[illegible] [illegible]in Brassey in speeches which were [illegible] [illegible]ngi's narrative add[illegible] [illegible] the Governor for th[illegible] [illegible] were given

in the warmest language. He was not doomed to win applause from his own superiors. The War Office, after long incubation, hatched new Orders framed to prevent a Governor from interfering, successfully or otherwise, with the conduct of a campaign.[19]

The ministry, gathering from Mr. Cardwell's despatch of the 26th April that "the discretionary powers recently vested in the General had reverted to the Governor," and being informed that the General's resignation had been accepted, withdrew their own. The Houses met at Wellington, the new seat of government, on the 26th July, 1865. Sir G. Grey trusted that the "partial establishment of peace, and the suppression of insurrection in several disturbed districts," would "facilitate the admission of Her Majesty's subjects of the native race to a full and equal participation in the privileges of self-government." He would "invite certain chiefs to Wellington;" and "a Bill will be laid before you enabling me to appoint from among them a Commission to report and advise upon the best means of obtaining a parliamentary representation of the native race." He informed the Assembly that their resolutions in favour of a withdrawal of the troops had been forwarded, and that recent despatches led to an inference that such a policy would be adopted. Pending the decision of the Home government, he had determined to avail himself of the services of the troops in establishing order between Taranaki and Wanganui. "Contrary to my anticipation, however, considerable delay took place, which involved consequences fraught with disaster, and which led to fresh outbreaks in other parts of the colony. I therefore ordered the colonial forces to advance against the Weraroa pah—a movement which has resulted in its capture. The thanks of the colony are due to Major Rookes commanding,

[19] Mr. Weld, in July, 1865, wrote a letter to Lord Alfred Churchill, thanking him for advocacy in Parliament of the policy of the New Zealand government. It was sent to the "Times." It spoke of the intention of the ministry to resign, because "all is upset by the political action of Lieut.-Gen. Sir D. Cameron. He has been writing secretly to the g ment, making accusations against the government and the minist will not give the particulars or the grounds of his attacks, so t months we have been condemned unheard. . . The Govert been very badly treated, and it will be of course impossible for remain in office unless General Cameron is at once recalled."

and to the officers and men of Her Majesty's European and native colonial forces engaged in this important operation. I also recognize the readiness with which Brigadier-General Waddy, C.B., Colonel Trevor, and the officers and men under their command, afforded me all the assistance that was in their power, though precluded by their orders from taking any active part in the operation against the enemy's stronghold." [13] To Colonel Warre, and to the devoted courage of the loyal natives, the Governor paid high tribute. Confident in the capacity of the loyal residents, he would issue orders for the return of five regiments to England.

The manner in which the credit of the colony was impaired by provincial loans in the English market, with some minor matters, was submitted to the serious consideration of the Assembly. Ten new members, nearly all from the Middle Island, had been called to the Council. Cordial replies to the speech were carried in both Houses; by the Representatives, without a division, on the 1st; in the Council, by 20 votes against 2, on the 3rd Aug. Mr. Stafford assailed the government for making roads at the point of the bayonet. Mr. Weld retorted that the House, in agreeing to the Roads Bill, was pledged to enforce the making of them even at the bayonet's point. He qualified the imperiousness of his tone by urging that the representation of Maoris in Parliament should be accorded.

The General was not tardy in the new campaign allotted to him. He hastened to England to stir the War Office against the audacity of a civil officer in taking command in the field; a dangerous innovation, which required to be nipped in the bud.

The judgment of the War Office under Lord de Grey in such a case could hardly be doubted, even by those who could not foretell the remarkable treaty of Washington in 1871, by which, under the presidency of the same nobleman, it was determined to scatter international rights and duties to the winds, and coin new terms under which

[13] On seeing this paragraph General Cameron wrote from Auckland: "I positively deny having given any orders to Brigadier-General Waddy, Colonel Trevor, or any other officer which prevented them from taking any active part."

England should admit having done wrong where no wrong was done, and pay a penalty so large that its receivers were unable to apply it in terms of the bond. The decision, or rather indecison, of the War Office may be told in few words. Lord de Grey thought that Sir D. Cameron "had not assumed to himself any latitude inconsistent with the high position he filled" in corresponding with the War Office about the affairs of New Zealand. He admitted that Cameron ought to have furnished the Governor with copies of despatches "other than those relating to discipline and military routine;" and he would draw the General's attention to a Horse Guards' circular letter on the subject with a view to its being conformed to in future. Sir D. Cameron was, it appeared, "not acquainted with the contents of the Horse Guards' letter." Lord de Grey did not consider the fact that the calumniatory letters had been transmitted to himself justified their being shown to the ministers, or published by them with their defence, but he himself had laid some of them before Parliament without giving Sir G. Grey an opportunity of explanation. Mr. Cardwell (25th Sept.), in forwarding Lord de Grey's inane despatch, partially modified its offensiveness by saying that it was to be regretted that General Cameron had not observed the regulations. "One of the mischievous consequences of this departure from the rules of the service on his part probably has been that you, not unnaturally, have suspected that reports had been made unfavourable to yourself and your ministers to a greater extent than you will find to have been the case." Mr. Cardwell, assuming that Cameron's version was correct, pointed out that when the confiscation measures were objected to by the General, the Governor ought to have referred the matter to England, with the General's comments. It was perhaps impossible to do otherwise than assume the truth of General Cameron's statement that the proclamation of 17th Dec., 1864, confiscated so much land as to render necessary an augmentation of troops in New Zealand, and was therefore unwise. There was much correspondence. The Governor wrote despatch after despatch, which Mr. Cardwell curtly acknowledged and referred to the War Office. L[illegible] received an explanation from General Camer

not think it necessary to send a copy" to Mr. Cardwell, considering "that the time had arrived for putting an end to the painful dispute." In vain did Sir G. Grey appeal for vindication of his character. Lord de Grey's stolidity was more impregnable than the Weraroa pah.

When the Marquis of Hartington (who had been Under-Secretary) became Secretary for War (on Lord de Grey's translation to the India Board), it was hardly to be expected that he would reverse the injustice of his late superior. Mr. Cardwell announced that the new Secretary agreed with the old one.

The skill and gallantry displayed by the colonial forces and friendly natives at the capture of the Weraroa pah were hailed with satisfaction by Mr. Cardwell. As to his personal share the Governor was informed that his assumption of so large a share in the direction of military operations, in presence of the regular forces and of their officers, had given rise to questions on which he would be subsequently addressed.

The proverb that "nothing succeeds like success," was falsified in his case. What Lord Palmerston would have done if he had lived cannot be told. He died in Oct., 1865. His weaker successor, Earl Russell, either did not try, or failed, to do justice. Sir G. Grey was never thanked, although that he had sinned against no defined rule was established by the fact that new Army Regulations were found necessary to prevent a recurrence of such an event as the capture of Weraroa. It was laid down that a Governor, though Captain-General and Commander-in-Chief, "is not therefore entitled to take the immediate direction of any military operations." Sir G. Grey told Mr. Cardwell that he had expected to incur animosity by proving that success could be obtained in the field without the sacrifices sometimes made in New Zealand. He would bear the penalty cheerfully. He knew he had done his duty, and that knowledge would sustain him under any attacks, or under any censures or inconveniences to which Her Majesty's government might from want of information subject him.[14]

[14] One passage in the despatch (11th Dec., 1865) was ill-adapted to win favourable consideration for the Governor. "I assert confidently that

Some changes were made in the ministry during the session of 1865. Mr. Mantell retired from the office of Native Minister in July, and early in August Mr. J. E. Fitzgerald, "the orator of New Zealand," accepted it. He was notable for his desire to accord representation in Parliament to Maoris, and in a few weeks the Governor formally promulgated his readiness to confer with Maori chiefs as to the manner in which that representation should be conferred.

On the 2nd Sept., 1865, two important proclamations were made. By one, "with the advice and consent of the Executive Council of the colony," the Governor confiscated large specified blocks of land belonging to the Ngatiawa and Ngatiruanui tribes. The lust of the Taranaki settlers was gratified at last. The garden of New Zealand was laid bare to their ravages, from the White Cliffs to Waitotara. The Governor-in-Council,

"satisfied that certain native tribes or sections of tribes . . . having landed properties . . . have been engaged in rebellion . . . doth hereby set apart as eligible sites for settlement for colonization (lands described), and doth declare . . . that no land of any loyal inhabitant within the said districts, whether held by native custom or Crown grant, will be taken except so much as may be absolutely necessary for the security of the country, compensation being given for all land so taken; and further, that all rebel inhabitants of the said districts who come in within a reasonable time and make submission to the Queen will receive a sufficient quantity of land within the said district under grant from the Crown."

The other proclamation was in the name of the Governor, and did not refer to advice of the ministry. Sir G. Grey called it a "proclamation of peace." He declared that "the war which commenced at Oakura was at an end;" that sufficient punishment had been inflicted upon the tribes who had taken arms; their war-parties had "been beaten, their strongholds captured, and so much of their lands confiscated as was thought necessary to deter them from again appealing to arms." None would be prosecuted for past offences except those concerned in certain barbarous

Sir Duncan Cameron in making such gross accusations against me privately to Lord de Grey, one of Her Majesty's principal Secretaries of State, and his Lordship in privately receiving them, are the wrong-doers, and not myself in treating these accusations as publicly made, and in meeting them as having been so made."

murders which were enumerated as having occurred between March, 1860, and July, 1865, when Mr. Fulloon was killed at Whakatane. Eight occasions were specified, and some of them were not solitary murders. Te Pehi was specially excepted from pardon because—

"having taken the oath of allegiance . . . he violated (it) . . . and treacherously attacked the Queen's troops at Pipiriki. . . . Out of the lands which have been confiscated at the Waikato and at Taranaki and Ngatiruanui, the Governor will at once restore considerable quantities to those of the natives who wish to settle down upon their lands, to hold them under Crown grants, and to live under the protection of the law. For this purpose Commissioners will be sent forthwith into the Waikato and the country about Taranaki, and between that place and Wanganui, who will put the natives who may desire it upon lands at once, and will mark the boundaries of the blocks which they are to occupy. Those who do not come in at once to claim the benefit of this arrangement must expect to be excluded. The Governor will take no more lands on account of the present war. As regards the prisoners now in custody, the Governor will hold them until it shall be seen whether those who have been in arms return to peace. If they do so the prisoners will be set at liberty. . . . The Governor now calls upon all the chiefs and tribes to assist him in putting a stop to all acts of violence for the future. . . . The Governor is about to call a meeting of all the great chiefs to consult with his Government as to the best means whereby the Maori people may be represented in the General Assembly, so that they may henceforth help to make the laws which they are called upon to obey. . . . Her Majesty the Queen desires that equal laws and equal rights and liberties may be enjoyed by all her subjects in this island, and to that end the Governor, in the name of the Queen, publishes this proclamation."

It is necessary to observe the distinct declarations that the Governor would respect the possessions of the loyal; would "at once restore" lands to the Maoris; and that Commissioners would "be sent forthwith" to put the Maoris in possession and "to mark the boundaries." It will be seen hereafter that these promises were left unfulfilled by ministry after ministry, and that turmoil at the Waimate Plains caused by glaring violation of these promises extorted a Royal Commission in 1880, composed of Fox and Dillon Bell, who were constrained to admit that not only these but repeated promises were broken, and even solemn awards of Courts in favour of Maoris were never carried out.

[illegible] Fulloon, specially alluded to in the [illegible] of peace [illegible] consideration in [illegible] of New [illegible] 1865 may be [illegible] of [illegible] rmal war was

deemed at an end. Savage murders by Hau Haus, nevertheless, like missiles hurled in the darkness, smote the colonists and made them shudder. Plotted secretly, they were executed with hasty and cunning ferocity. On the 22nd July, the Hau Haus murdered Mr. Fulloon at Whakatane, together with the captain and all but two persons on board the cutter "Kate." Mr. Fulloon, a half-caste Maori interpreter, had been allowed by the Defence Minister to call at Whakatane, at his own request, for the purpose of checking disaffection. In September, Kereti Te Ahura, a Maori policeman, while engaged in carrying the Governor's peace proclamation, was mortally wounded near Weraroa. The Governor offered a reward of £1000 for bringing any of the murderers to justice.

The fall of the Weraroa pah permitted the withdrawal from the west coast of 500 men. H.M.S. "Brisk" aided the landing of the forces in the east. The native contingent, spread in skirmishing order on reaching the shore, drove the enemy before them, captured a pah, and occupied Opotiki. Captain Hope, of the "Brisk," wrote: "They were the admiration of all of us. We could see it all from the ship, and it was beautiful." Special thanks were conveyed to Captain Hope by the government. Major Brassey commanded the land expedition, and when the Pua pah fell into his hands in September the enthusiasm of the Hau Hau sympathizers waned sensibly. Some voluntarily surrendered, with their arms, in October. Kereopa narrowly escaped capture in the same month. The Arawa tribe displayed signal energy. In Sept., 1863, they had incurred tribal animosity by preventing the Ngatiporou, Ngatiawa, and others from passing through their territory to Waikato. In pursuing the murderers of Volkner and in resisting enemies they neglected their cultivations, and suffered in killed and wounded. They detached an expedition which seized all the canoes at Whakatane, where Fulloon had been murdered. Taking some canoes by the river, and dragging some across a belt of land to a lake in the enemy's rear, they stopped his supplies. On the 17th Oct., the Arawas, accompanied by Mr. Mair, by Hemipo (the guide of Mr. Meade), and by Poihipi Tukeraingi, invested Teko. On one side was the rapid river, on three others

were smooth declivities. Three lines of palisading, with flanking angles, three rows of rifle-pits and breastworks, contained a fort 90 yards long and 45 yards wide, within which each hut was fortified. A covered way communicated with a landing-place on the river. Three saps were commenced, and under shelter of undulating ground had, in spite of musketry fire, been carried so far that in two days the Hau Haus asked for a truce to arrange terms of capitulation. Firing was suspended for 24 hours, but the sap was proceeded with. Hemipo, whose eloquence had aided Mr. Meade at Tataroa, now applied it to save his father Ngaperi in Teko, whom he persuaded to come out of the garrison with more than a score of friends. Mr. Mair allowed them to join the loyal Maoris. When the sap was finished close to an angle, and the covered way cut off, the Hau Haus were summoned to surrender. If the place were taken by assault they were assured that no quarter would be given. They laid down their arms. As they marched out, the victorious Arawas leaped from their trenches with a yell, and under the guidance of old Poihipi Tukeraingi, danced with fury the maddening war-dance of triumph, while the captives stood dejected, and the ground around them shook with the tramp of their conquerors. Amongst the captives were nearly 30 suspected murderers, of whom Mair took possession on behalf of the Government. The remainder were held by the Arawa as prisoners of war. Mair handed his prisoners to Major Brassey, and a court-martial was held early in November upon them. The evidence of two half-caste lads was deemed sufficient to convict many of them of complicity in the murder of Fulloon; but when the sentences were submitted to the government, it was found that the proceedings had been irregular. The offenders were nevertheless indicted again with others before a criminal court. Thirty-five were convicted of murderin[illegible] [illegible]ries to the murders of, Volkner and [illegible] executed; others were sentenced to [illegible] were pardoned in after years. Th[illegible] [illegible] exploits returned to the wes[illegible] The Gov[illegible] [illegible] rces

have arrested[15] 17 natives out of the 23 who are believed to have taken a part in the murder of Mr. Fulloon."

Ropata Wahawaha, the Ngatiporou chief, and Mokena Kohere, greatly aided the government, though in so doing they opposed men of their tribes. Although Patara rebuked his brother-prophet, Kereopa, for the murder of Volkner, and declared that his mission was merely religious, he inculcated Hau Hau doctrine. From Opotiki he went to Poverty Bay, where he seems to have counteracted Kereopa sufficiently to save European lives, and thence travelled through the Rongowhakaata and Ngatiporou territories towards the East Cape, making proselytes. Ropata Wahawaha, Mokena Kohere, and Henare Potae resisted the infection, and applied to Donald M'Lean for firearms to enable them to defend themselves, and meet the fanatics in the field. McLean consented. In June, 1865, Ropata, with inferior forces, encountered his misguided countrymen, and lost some men, inflicting losses in return. By a brilliantly executed stratagem of a nature not unknown in ancient Maori warfare, he established his reputation. Placing an ambuscade in a creek, he made his army feign a retreat so rapid as to look like flight. At the creek many of the fliers adroitly strengthened the ambuscade, and several of the pursuers fell, while the startled remainder fled in confusion. At McLean's request, the Weld govern-

[15] A detailed account of the expedition may be found in "Reminiscences of the War in New Zealand." (T. W. Gudgeon.) London: 1879. He complains of the mutinous spirit amongst the Maoris, but excepts from censure Rangihiwinui, "probably the best Maori officer in New Zealand," and Lieutenant Wirihana. He tells a singular tale of Winiata. During the firing on the Pua pah, Winiata "suddenly rushed to the pah, and regardless of the fire of both friend and foe, placed his hand on the palisading, shouting that the pah was his." That night the enemy pulled down some of their palisading under pretence of surrendering, and rushed out, firing a volley to disconcert the besiegers. In the morning, when the "native contingent were sent forward to attack," the pah was found abandoned to Winiata and his comrades. Another instance of Maori character is given by Mr. Gudgeon. Amongst the Wanganui men was a prophet Pitau, who, when the expedition started, prophesied: "You will succeed in all things, O Wanganui!—only one man will die, and he will be Pitau." In the skirmishes, Pitau risked his life as if desirous to prove the truth of his prediction. On leaving Opotiki, a boat was
surf, and Pitau was drowned, while all his countrymen
ming. Mr. Gudgeon thought that Pitau preferred death
as a prophet, and purposely sunk in the sea.

ment sent a force of Europeans to co-operate, and in August, 1865, several pahs were taken, and many Hau Haus were slain. Learning from Henare Potae that the foe had mustered in force at Pukepapa, near Tokomaru, Ropata marched rapidly thither with 100 men, and captured the pah. Some prisoners were spared, but a local historian thus records the rigour shown to others: "Among the prisoners were eleven of the Aowera, Ropata's own tribe, and he gave them a lesson in paternal rule that other chiefs might follow with benefit to their tribes." Calling them out, and saying that they were to die, he added, "'I do not kill you because you have fought against me, but because I told you not to join the Hau Haus, and you disobeyed.' So saying, he shot them one by one with his revolver. This affair well finished, the two chiefs advanced upon another Hau Hau position."[16] At Pukemaire, in September, the Hau Haus had fortified themselves on a hill. Two pahs were connected by a covered way. Five hundred occupants were in them when Captains Biggs and Fraser, with Ropata, approached the position in cold and stormy weather. A sap was driven near the works, and a Maori, Tapeka, threw a strong rope (with a bar attached) over the palisading. A Hau Hau cut the rope. Another Maori, Watene, again threw the rope, by means of which Ropata hoped to make a breach by pulling down the palisading. A Hau Hau rushed forward to cut the rope again, but the prompt Watene shot him, and before the dangerous service could be performed by another, a considerable width of palisading was torn down, and the capture of the pah seemed certain, the outworks at one point being in the hands of the assailants. But two Europeans were killed and two wounded, while five of Ropata's men were wounded, and Fraser (become a Major) called off the forces. The weather was bitterly cold. One man died from [illegible] road; and Ropata, who had entered the [illegible] first, was so numbed as to be unable to [illegible] his gun to shoot an enemy who [illegible] that the "rain came down

[illegible] Zealand," by Lieutenant and [illegible] New Zealand. London:

in torrents." The Maori ardour "was damped," and "our ammunition ran short, the baggage not having come up as ordered, and I was obliged to withdraw my force about 3 p.m."[17] The retirement from Pukemaire was not due to consideration for the lives of the defenders. On a previous occasion (2nd Aug.), Major Fraser, having captured a pah close to Waiapu by a design propounded by Mokena Kohere, wrote: "The bayonet and rifle soon did their work, and the pah was ours. The enemy asked for no mercy, and evidently expected none. The killed in the pah amounted to 22. We took seven women prisoners." On this occasion the Hau Hau losses (in a few days) were reported as 87 killed, 33 wounded, and 47 prisoners, of whom 42 were wounded. Ten Europeans were wounded; of the Maori allies, 15 were killed and fourteen wounded. Besides Mokena Kohere, the chiefs Kopu and Ihaka Whanga (who had received thanks for resisting the Hau Hau missionaries) took part in the action. Fraser wrote: "The chief Mokena has given us every assistance in his power, and has uniformly shown us great kindness."

Before the assault on Pukemaire could be renewed the enemy retreated towards Hungahungataroa, near Kawakawa. Pukemaire was destroyed by the colonial forces. Biggs, with about 30 volunteers of his own corps and military settlers, and 100 Maoris under Ropata, followed the foe through the mountain forest. Fraser, with 60 Europeans, and the same number of Maoris under Mokena, journeyed by the coast, intending to effect a junction with Biggs. Before he could reach the rebel haunt he heard from a Maori woman that Biggs and Ropata had invested it, and that the Ngatiporou Hau Haus would probably surrender if their lives were assured. Fraser sent an order on the subject to Biggs. Meanwhile Ropata, with the other branch of the forces, led the advance-guard, crossing and recrossing the stream in a gorge which led to the rebel stronghold. On nearing it, Ropata's band, composed chiefly of his own kinsmen, found and shot an enemy

[17] Despatch, "New Zealand Gazette," 1865. Lieutenant Godgeon not record Fraser's published reasons, but says that when success assured, "Major Fraser suddenly ordered the whole force to retu Waiapu, and the chance was lost" (p. 86).

a plantation. Biggs and Ropata then reconnoitred the position. Perched on a hill with two precipitous sides, the hunted Hau Haus seemed prepared to sell life dearly. Firing was commenced in the usual manner. It was determined that, while the main body occupied attention in front, Ropata and Biggs with chosen followers should scale the cliff in the rear. The unencumbered Maoris rapidly performed their part,[18] while the Europeans in impeding costume toiled behind, although Cornet Tuke led them gallantly. A point was reached from which a plunging fire was poured upon the besieged as they faced their foes in the front. A Hau Hau in a tree was fired at by Ropata's order, and he shouted, "Do not fire, lest you hit me." Ropata commanded him to come down. He was recognized as the powerful Pita Tamaturi. Biggs came up as Ropata seemed about to shoot him, and asked who he was. Ropata answered, "The man who has brought all this trouble on Ngatiporou, Pita Tamaturi, who brought the Hau Hau religion amongst us." Biggs shot the man. The place was no longer tenable, and in compliance with the message from Fraser, received at this juncture, Biggs offered safety to "all who were willing to give themselves and their arms up. After about an hour's negotiating the Ngatiporou in the pah consented to do so."[19] Ropata's influence constrained them. They strove to hoist a white flag in token of submission, while their desperate Taranaki comrades struggled to prevent them. Ropata called on his misguided Ngatiporou fellow-tribesmen to come out, hapu by hapu, and they came, surrendering their arms. The Taranaki fanatics, unable to prevent the surrender, and apprehending that their own fate would be less tolerable than that of Ropata's people, scorned to associate longer with recreants who had broken through their palisading for purposes of surrender. Defiantly, though few in number, they burst through their ramparts in another

[18] "The Maoris, bootless and trouserless, went up the cliff with tolerable ease, but the Pakehas, encumbered by civilization, laboured behind" (Lieu-nt Gudgeon's "Reminiscences"). Fraser reported that the cliff was ecipitous, and that "great credit was due to Cornet Tuke and the llowed him."

Biggs, 11th Oct., 1865. "New Zealand Government

direction, and dashed down the precipitous cliff, three of them being shot in the act. Before they fled one old man among them said: "If we remain here longer our bodies will soon be the ashes of this pah."[29] Two of Ropata's men were killed in the siege, and 12 of the enemy. The captured Ngatiporou whom Ropata spared were 500 in number, three-fifths of them being women and children. When Hungahungataroa was taken, Hau Hauism was practically extinguished among the Ngatiporou. Ropata had established his reputation amongst his people as a general, dreadful in war, but not intemperate in peace. To the submissive he was forbearing, and they could dwell in safety. Leaving the runagates in scarceness, the colonial forces were diverted to Poverty Bay, whither Kereopa had proceeded after the murder of Volkner. Bishop Williams was told by his Maori friends that they would seek and expel the murderer or hand him over to the government. He doubted their power to withstand unaided the prevailing tendency to the new cult, and in spite of their remonstrances accompanied them. They found Kereopa at a village where he had already seduced the inhabitants, and where the Bishop's friends, before their pastor's eyes, yielded to the example of their countrymen. After friendly reception of them Kereopa offered his hand to the Bishop, who refused to take it. Being asked the reason, the Bishop replied: "Because I see blood dripping from your fingers." The murderer shrank back "like a guilty thing:" but the Bishop could not sway his own people, and returned sorrowfully home. It was reported that Kereopa suggested the murder of the Bishop, but the tribe would not allow such a crime to be committed. An old chief, Wi Haronga (who had been a catechist), with a faithful band mounted guard nightly to protect his pastor. When the Bishop,

[29] Lieutenant Gudgeon (in his "Reminiscences of t[illegible] New Zealand") says of this man: "He was right in his ju[illegible] Biggs and Ropata fully intended to sacrifice them all; but th[illegible] live to the fact, dashed out of the pah as desperate men will [illegible] over the precipitous cliff, most of them escaped" (p. 88). Th[illegible] drawn from Mr. Gudgeon's book, corrected or amplifi[illegible] reports of the officers concerned. If this assertion of [illegible] Biggs did not intend to [illegible] the order to extend [illegible] he acknowledged (in h[illegible] had received

powerless to prevent the moral contagion, left the district in displeasure, Haronga guarded his property.

In Nov., 1865, a large number of Hau Haus, or presumed enemies, were gathered at Waerengaahika, not far from the abandoned residence of the Bishop. Donald McLean called upon them to surrender their arms, threatening that in case of refusal the dreaded Ropata and Biggs and Fraser would appear upon the scene. The Hau Hau chief Rararuhi Rukapo scorned the proffered terms. Forces arrrived, and there was intermittent firing on both sides. On Sunday morning a number of Hau Haus approached the trenches with flags of truce. A volley was poured upon them. Some rushed back to their pah. Some fell to the ground and feigned death. More than 60 were dead on the field. After a few days Waerengaahika was taken. In it were found 63 dead Maoris and more than 70 wounded.[21] There had been screaming of women and children while the firing subdued the pah. One hundred and sixty stand of arms were captured. Other small parties in the vicinity were attacked successfully, and many Hau Haus were killed. Major Fraser made a seizure which was to cost New Zealand dear. In the allied ranks was Te Kooti Rikirangi, who always asserted, and of whom it was admitted, that he had fought for the English at Waerengaahika. Fraser suspected that he had held communication with rebels. In a postscript to his despatch announcing the fall of Waerengaahika, he laconically said:[22] "I have made just now a prisoner of a native called Kooti, on suspicion of being a spy." It was known that the captive had a relative among the enemy. He was not committed for trial; but, having been thus arrested without warrant, was sent to the Chatham Islands by Mr. Stafford's government, without writ or authority of any kind; and the wrong done to him was to be written a few years later in

[21] An eye-witness reported that after a skirmish in which some Hau Haus fell, three of Major Fraser's men, while reconnoitring, saw the bodies of Renata Tupara and two others on the ground. Hearing a noise after they passed the bodies, they looked round and saw him running away with two guns. He had risked his life to secure them, and feigned death as the Europeans passed. Although fired at, he escaped into the pah.

[22] N.Z. P.P. 1864; A. No. 6.

terrible characters of blood. No one seriously believed that he was guilty of treachery at Waerengaahika. Lieut. Gudgeon, in his "Reminiscences" of the war, says: "There does not appear to have been much truth in the charge, for the men whom he was accused of communicating with were a hundred miles off, nevertheless he was shipped away without trial, and, as many persons assert, without cause except that he was a troublesome, daring man . . . it is certain that all the after atrocities committed by him were dictated by a revengeful spirit against those who caused his deportation." The reported firing upon the flag of truce called for inquiry from Mr. Stafford, who had formed a ministry in Oct., 1865. In a despatch from Waerengaahika (21st Nov.), describing the capture of the pah, Fraser had said that the rebels approached in a large body with a flag of truce. "We, however, providentially did not pay any attention to their flag, as no flag of truce should be respected carried by such a large body of armed men, and I ordered them to be fired on before they could come up with us." Whether the Maoris at the last moment, seeing the force arrayed against them, desired to close with D. McLean's proposals, or whether they were practising the deceit attributed to them by Fraser, there is not evidence to show. But Fraser and his comrades, when called upon (2nd Dec.) to explain why he paid no attention to a flag of truce, asserted that they did pay attention to the flag, and that the order to fire was not given until a small red cross in the corner showed that it was not a flag of truce.[23] Biggs wrote that "even supposing it to have been a flag of truce, which it was not, after the treachery which the Hau Haus had been guilty of in wearing our badges, I consider that, accompanied as it was by such a large number of armed men, you would have been very much to blame had you allowed the fanatics to come any nearer our position without firing upon them."

[23] Lieut. Gudgeon, in his book on the war, without assigning reasons, give a third version at variance with Fraser's earlier and later statement Fraser mistook the character of the flags, and "called out to the men n to fire upon flags of truce. Luckily Biggs was [illegible] knew they we fighting flags, and before the mistake could l [illegible] ce ordered the men to fire."

The government spared no pains in reducing the east coast to the peace of death. In Jan., 1866, Major Fraser accompanied the chiefs Kopu, Ihaka Whanga, Karauria, Ropata, Hotene, and Paura Paura, who led 520 men from the Upper Wairoa to Waikaremoana. Biggs advised that the force should march in two columns. Ropata contended that in such a rough country the difficulty of making a simultaneous attack with two forces marching by different roads made the plan of Biggs unwise. Ropata's counsel prevailed. The advance-guard encountered an ambuscade. Ropata scaled a hill and stormed the enemy's rifle-pits on the right; Ihaka Whanga, though wounded in several places, cheered his men in the gorge; Kopu attacked rifle-pits on the enemy's left, and the Hau Haus were driven headlong, chased by a picked body fewer by far than the fliers. Fraser drew "particular attention to the bravery of Ihaka Whanga, and the skill with which Kopu and Ropata outflanked, routed, and followed up the enemy." The Hau Haus fled past Onepoto at the Waikaremoana lake, and that stronghold fell into possession of the conquerors. A council of war was held on the following day, at which the chiefs decided to shoot four prisoners, three for "having come from other places to fight the government," a fourth for "having previously fought against it at Tauranga." Major Fraser reported the fact as if such a finding and immediate sentence called for no comment. Lieutenant Gudgeon, in his "Reminiscences," avers that one of the prisoners was a chief of high rank; that Fraser told Ropata "the chief ought to be shot;" that Ropata said, "Shoot him;" that Fraser did not act upon his own advice; and that, "some hours after, finding Tamaionarangi still alive, Ropata said: 'You all seem afraid to shoot this man, but I am not'; so saying . . . he shot him." Thus was war conducted in the name of the Queen of England.[34]

[34] Richmond used language (24th Aug.) in the Council which ed upon some minds. "The effectiveness of the whole of Cape campaign might be gathered from the returns of the d. He held in his hand what he might call a butcher's ry unfavourably for the rebels."—(N.Z. Hansard).
ns of a satirist are mouthed by some persons as

No time was lost in confiscating nearly half-a-million of acres at Opotiki. A word must be said as to the conduct of the government to their Arawa allies. Had Mr. Weld remained in office their gallantry might perhaps have been acknowledged. It is painful to find Poihipi Tukeraingi and others petitioning for justice in 1866.

"We paid no heed to the fact that it was the time of putting seed into the ground. We thought not of our wives and children, but only that the Pakehas were to be our parents. . . . We worked on till the work was ended. . . . Now we have given up those wicked men into your hands; not one escaped from us; neither did you give us any Pakehas to assist us. The only thing you did was to supply one-half of the food, I myself finding the greater portion. Eighty days did we stand up to fight. We did not make a backward movement. The Native Minister came to Maketu. He expressed in words his recognition of our services, but it occurs to our minds that thanks expressed in words only will not keep us alive. That minister then pleaded that the government was poor, and told us of a sum of £1500. We were much troubled because the amount was so small, and we wept for our wives and children. . . . Look also upon the fatigue we endured, and our having plunged into the midst of death in scorn of consequences. Suppose it had been Europeans instead of Maoris. Would they have been satisfied with this pay—£2 5s. per man for three months? . . . Look upon the money spent by us in this work as compared with the army which you landed at Opotiki, to capture Kereopa and Patara, and which did not accomplish its purpose. Look at the cost of that army. Was it not £40,000? To us simple-minded persons it appears that the government is not poor, inasmuch as it can afford to throw money away upon work which fails in its objects."

These allegations could not be contradicted. Returns showed that in 1864, 1865, and 1866, the Arawa had received about £3000 in rations, £250 as pensions to widows of those who had fallen in battle, and £2600 in money; the last award being £1500, in May, 1866, against the insufficiency of which they remonstrated. The Native Minister who recommended it was Colonel A. H. Russell. Mr. J. C. Richmond informed the committee to whom the petition was referred that the services of the tribe had been "emphatically acknowledged by the two last ministers," and that though Colonel Russell gave no distinct promise, he "hinted" in May, 1866, at Maketu, that if the tribe would subscribe for schools and roads, the government might supplement their gifts by grants. The committee recommended the adoption of this suggestion, and their report was ordered to be printed for the use of members of the House. The sympathy of Stafford's ministry went n farther, nor did any member suggest in either House tha

the Arawa should be fed by further words. Legislators were busy at the time with a Customs Bill, Land Bills, a Superintendents' Deputy Bill; and as confiscation had not been sweeping enough, amendments were required in the Native Reserves Act, although the Native Minister was told in April, 1866, that the session of 1865 had demonstrated the facility with which the Maori reserves could by parliamentary manœuvres be translated into losses. The process must be described.

The manner in which the general government and the Otago provincial government conspired to defraud the Maoris of their reserve at Prince's-street in Dunedin; the aid afforded by Mr. Stafford in procuring the Governor's signature; and the obstinacy which clung to the profits of the crime after its nature was exposed, are too significant to be passed over. The early purchases in the Middle Island (1844) from the natives by the government, through the agency of Captain Symonds;[25] Mr. Kemp's deed of purchase of the Otago block; and Mr. Mantell's subsequent employment as commissioner for acquiring lands in the Middle Island, must be borne in mind. Between 1848 and 1856 Mr. Mantell acquired about 30,000,000 acres for about £5000, *plus* certain promises which were accepted by the Maoris on the strength of his word and the authority of the Crown. In Dec., 1852, he urged that a small reserve should be made for the convenience of natives visiting Dunedin. Governor Grey (June, 1853) approved, and what Mr. Mantell called "the only suitable piece of land now vacant," was formally reserved by the Governor,[26] at the east side of Prince's-street in Dunedin. It contained three acres. Mr. Mantell was in London in 1856 before it was known that special danger impended over the reserve, but not before his indignation had been roused by the repudiation of [illegible]s made by himself and other representatives of th[illegible]ent. M[illegible]chere, the Secretary of State, ra[illegible]im o[illegible] Correspondence

[illegible] Supra

[illegible]58. Most [illegible]lative to [illegible]xander

ensued. Mr. Labouchere rejected a suggestion to invite Judge Martin's aid with regard to the questions raised by Mr. Mantell; who replied that by reference of them to the Governor, who "not incorrectly defined his position as that of a cipher, the Imperial Government practically repudiates the obligations which I had thought it in honour bound to fulfil. I have now only to hope that the General Assembly may take a more enlightened and humane view of the subject." On the 18th Aug., 1856, he told Mr. Labouchere: "As you have refused to entertain the claims of the Ngaitahu natives to those benefits which were promised to them on the cession of their lands to the Crown, and it is therefore very doubtful whether those claims will be satisfied, I cannot, while such doubts exists, continue to hold office in the department." He cast away the offices he held, as he could "approve neither of the principles upon which the acquisition of native lands" was "conducted, nor of the policy of the local government toward the natives in either island." The correspondence was referred to Governor Browne; and McLean, then Native Secretary, furnished a commentary which can only be accounted for on the plea that his position rendered necessary a proficiency in those arts of Sir Pertinax MacSycophant which did not commend themselves to Mr. Mantell. The Governor had, in the opinion of McLean, done much at "great personal inconvenience;"—"with the exception of the education of the young, for which purpose there are no funds at your Excellency's disposal, I do not perceive that any neglect has been evinced towards the natives referred to by Mr. Mantell." After this reference to Mr. Mantell, whose voice will be heard again with regard to the native reserve at Dunedin, the proceedings there may be narrated. After the ominous act of Governor Browne at Waitara, in 1859, we find two of his advisers, Stafford and Richmond, at Dunedin, arranging preliminaries with the Superintendent of Otago, Captain Cargill. The Governor was with them. The way had been paved for them by a report from Mr. Cutten, Commissioner of Crown Lands, who suggested that the previous Governor exceeded his powers in making the reserve. A new Superintendent, Major J. L. C. Richardson, took another ste[illegible] The dis-
covery of goldfields gave sudden value to com

Authority was obtained for the convenient Cutten, to let reserves, and in Feb., 1862, a portion of the coveted plot was let in sixteen allotments for one year for an aggregate sum of £2136 12s. 9d. The deposit money was placed by Cutten "under a separate head from other Crown revenue, to await instructions for its disposal." That such a sum should go towards fulfilment of pledges made to Maoris was repellent to Cutten and to the Otago Provincial Council. Cutten, Nov., 1862, asked for leave to pay on demand of the Town Board the cost of making a footpath (£604 12s 1d.), on the east side of the reserve. Precise as to the amount, he gave no hint that the reserve had been even claimed on behalf of the natives. The suspicions of an assistant law officer in Wellington were aroused, and he wrote (22nd Dec., 1862):—"The information given by Mr. Cutten does not enable me to see either what the reserve he alludes to actually is, or the ordinance under which the rate is imposed. . . . I suspect it is a native reserve. Mr. Cutten should be requested to give further information, and meantime to refuse payment of the rate."

Mr. Cutten after some weeks furnished information, and still cast doubts upon the power of the Governor to grant to the natives the use of the small patch of land which had acquired commercial value.

The Superintendent of the Province and Mr. Cutten availed themselves of a visit by Mr. (afterwards Sir) F. Dillon Bell to ply him with arguments about the hardship they endured while Maori rights were respected.

The Prime Minister, Mr. Fox, moved by Bell, directed that full inquiries should be made by Mr. H. T. Clarke, resident magistrate at Invercargill.

Mr. Clarke without delay "waited upon his Honour the Superintendent and Mr. Cutten, but could not obtain any positive information on the subject."

To a formal request in writing, he received no reply. He reported (Oct., 1864) that as the original deed[27] of Otago

[27] Kemp's deed—Witnessed by Com. R. A. Olliver, H.M.S. "Fly." "Our places of residence and our cultivations are to be reserved for us and our children after us, and it shall be for the Governor hereafter to set apart some portion for us when the land is surveyed by the surveyors." (12th June, 1848.)

specially provided for the making of such reserves for the Maoris he presumed that it should "set the question at rest."

Fox vacating office (Nov., 1864) was succeeded by Mr. Weld. The Postmaster-General in the new administration was Mr. J. L. C. Richardson.

The new Native Minister was Mr. Mantell, who had, in 1852, induced the Governor to grant the Princes-street site to the Maoris.

In January, 1865, Mr. Mantell asked for the opinion of the Attorney-General upon the matter. "After Sir G. Grey's departure in 1853 (Mr. Mantell wrote) the Provincial authorities seem to have questioned the power of the Governor to make these reserves, and in 1861, when I spoke with the Superintendent of Otago, and Commissioner of Crown Lands on the subject, it was urged that they were too valuable for the natives. There is now no reason why the title to these reserves should not be distinctly recorded. How can that be done?" Obstruction in the province was going on, and (29th March, 1865) Mr. Weld requested the Superintendent of Otago to furnish a statement of the claims made by the Provincial government.

Action and not evasion had become necessary to deprive the Maoris of the reserve. The Postmaster-General, Richardson, who had formerly been Superintendent of the Province, conferred with the Superintendent of the day, Mr. J. Hyde Harris.

Richardson wrote him a letter (13th April, 1865) which was answered by Harris on the same day. Richardson movingly told Harris that the failure of "a Mr. Clarke" to extract information from the provincial government in 1864 had led the general government to conclude that the claims of the province were unfounded, and that "in the meantime steps are being taken to vest the property in the hands of trustees for the natives of the province, and to apply the rents which have been received.

"It will be evident to your Honour that should any claim exist on the part of the provincial government not a mail should be lost in making it known to the Hon. the Colonial Secretary."

No time was lost. On the day that Ric
Harris, Harris answered Richardson len

the correspondence to Mr. Weld, to whom Richardson also forwarded copies of the correspondence, complaining to Harris that the latter's silence at the time of Mr. Clarke's visit had justified "the conclusion arrived at by the government."

Mr. Harris wrote a long reply, which he may have thought a justification, and which is contained in Mr. Mackay's Compendium. He brought before Richardson a new fact, viz.: that £6031 18s. 9d. (accumulated rents), had been by order of the government, transferred from a special account to the "General Government account."

Richardson was soon at Wellington, interchanging memoranda with Mr. Mantell, whose replies will repay perusal.

In June, 1865, the Attorney-General (Sewell) gave his opinion that the land had been "duly reserved as a Native Reserve" and that he did not "see any ground upon which either the provincial government of Otago, or any municipal body constituted in Dunedin, or any private individual could impugn" the appropriation. The province of Otago was "not in existence at the time the reserve was set apart."

The Attorney-General was then a Cabinet minister, and in most countries such an opinion from such a man would have been decisive. But Maori lands have been subject to influences not common in other countries. There were two cogent reasons for struggle. The land, and the thousands of pounds of accumulated rent.

The Superintendent of Otago begged that the Prime Minister would "let the question rest" till the provincial government of Otago could appeal to the General Assembly. The government did not promise to comply with the request, but in effect nothing was done.

The assembly met on the 26th July, 1865, and Mr. Mantell, the advocate of justice, left the ministry on the following day.[28]

[28] Mr. Mantell told the House (28th July,) that it had been his duty as Native Minister, to care for "the interests of the native race, and as the policy of the ministers was such that he could not try to inspire the confidence of the natives in the government he had resigned." In 1888 he informed a Joint Committee: "I left that government on account of the sudden conversion of a colleague to a different opinion from what he held with me a short time previously, on the question of the Prince's-street Reserve in Dunedin." N.Z. P.P. 1888, I. 8., p. 92.

On the 1st August a select committee was appointed. Mr. Stafford was a member of it, and it recommended (25th Aug.) that a Crown grant of the reserve should be "*issued in favour of the municipality of Dunedin.*"

In the House, Mr. Mantell strove to avert the adoption of such a report by moving (13th Sept.) that as the land was claimed as a native reserve the claim should be decided upon by the Supreme Court, and the government should facilitate the trial.

Mr. Mantell might almost as well have "used question with the wolf." But sixteen other members voted with him against twenty-nine. With bitter irony he afterwards wrote (1866) that though he was willing to believe the proceedings perfectedly parliamentary, they warned all who took an interest in Maori rights that the "time might not be far distant when by precisely similar and equally parliamentary action there may remain in the whole Middle Island, and in any part of the Northern Island in which our perceptions of justice are not strengthened by our fears, not one acre of Maori land or Maori reserve which shall not have been appropriated to provincial uses." There may have been persons for whom such a consummation had attractions. But there seemed some hesitancy about openly consummating the wrong recommended by the Select Committee. Mr. Fitzgerald had become Native Minister in the place of Mr. Mantell, and his censure may have been feared.

Mr. Weld's ministry came to an end (16th Oct.), and Stafford became Prime Minister. The session was closed in October, and the way was open for departmental action without risk of questions in the House.

The course adopted was like that of a man who thinks that by wearing a mask he qualifies his acts for the better.

A Crown grant clerk at Dunedin, sent (4th Nov.), by order, "for his Excellency's signature two Crown grants to the Superintendent of Otago" "as per accompanying schedule." Though not specified, one of these was the Maori reserve at Dunedin. Its description in the schedule was :—"Piece of land situate in Prince's-street, Dunedin." "Public utility" was assigned as the "N[illegible]"[29]

[29] Mackay, vol. i., p. 14[illegible]

Mr. Stafford (21st Nov.) wrote to Dick, the Superintendent of Otago, that "As it is the invariable rule and requirement of the Act that the specific purpose for which a grant is asked should be stated, I have to request your Honour to be good enough to specify more particularly the object of the trust." "His Honour" complied (28th Dec.) by suggesting the words "As a reserve for wharves and quays."

At this period of the transaction, events occurred which the actors have been unable or unwilling to explain, though an examination conducted in 1877 before the Native Affairs Committee shed light upon them.

What is clear is, that the Crown grant was put before the Governor (Sir G. Grey) for signature on the 11th Jan., 1866.

His evidence proved that the subject of the grant had been previously discussed and that it was deemed wrong to sign it.

He said (in 1877): "Discussions had taken place between myself and law officers and I had resolved that I ought not to sign the grant until the matter had been fully discussed. A number of grants were presented. . . . I believed that one of them . . . was the grant for this land, but I could not positively identify it; and as the Colonial Secretary (Stafford) who *presented the grant to me* was *perfectly satisfied that it was not the grant for this reserve*, I signed it. Subsequently it turned out that the grant had been signed. It was done under a mistake. . . . It was discovered the same day that the grant had been signed improperly, and the government tried to recover possession of the grant, but it was found that the grant had been *sent off that day* in a vessel going to Otago, and in that way the land passed. . . . Mr. Stafford found out that the mistake arose from the negligence of a clerk in the Crown Lands office. Mr. Domett, then Commissioner of Crown Lands, whom I sent for, told me how the error had occurred."

Mr. Stafford testified in 1877, "As far as I can recollect, I think it probable that neither the Governor nor myself were aware when that particular grant was signed. . . . I think it is *very probable* that this grant may have come up *inadvertently* with a number of others, and in the same

way may have been sent on by me to the Governor for his signature. I use the word 'inadvertently' because I have some recollection, I will not be quite positive about it, that I had given a *special instruction* that that grant should not be sent on for signature without my attention being called to the fact. . . . I believe, although I will not be absolutely positive at this length of time, that I gave such instructions.[30] I have been informed that Sir G. Grey, who was then Governor, has stated that he put some questions to me with regard to this grant. I have no recollection (that he) ever put questions to me about any grant whatever at any time. But if Sir G. Grey says he is perfectly certain he did put such questions to me, I am not at this length of time prepared to say that he did not, but I have certainly no recollection of (his) having at any time questioned me as to a grant, and I think if such an occurrence had taken place I should have recollected it."

Two things are proved by Stafford's statements, in spite of the parade of probabilities he put forward to obscure the facts. He had thought it right to give a special instruction to prevent a surprise, and the Governor had come to a conclusion, after consultation with advisers, that the grant ought not to be signed.

Another thing is clear, viz., that when the Governor's signature had been surreptitiously procured it was the duty of Mr. Stafford (who had suspected that the grant might be sent on without his attention being called to the fact) to take immediate steps to rescind the grant, not at the expense of the Maoris, but by direct action on the part of the government. Another thing which is not so clear may be inferred from the swiftness with which the grant was hurried away when signed. There were rumours in Wellington that this part of the transaction gave the [illegible] pleasure to the actors in it, and that they gloried in [illegible]

[30] The crooked ways of the ministry could not be made straight [illegible] their explanations. Sir G. Grey, in a despatch (8th Oct.), sent a st[illegible] by J. C. Richmond, of 5th Oct., 1867, averring that "Stafford was a [illegible] that to bring the matter into court, a grant [illegible] issue to one party [illegible] other, and *had intended to recommend a* [illegible] the meantime [illegible] vertently as regards his Excellency an[illegible] Secretary, a[illegible] which had been prepared . . . was p[illegible] ture and issue [illegible] —Mackay's Compendium, vol. i., 153.

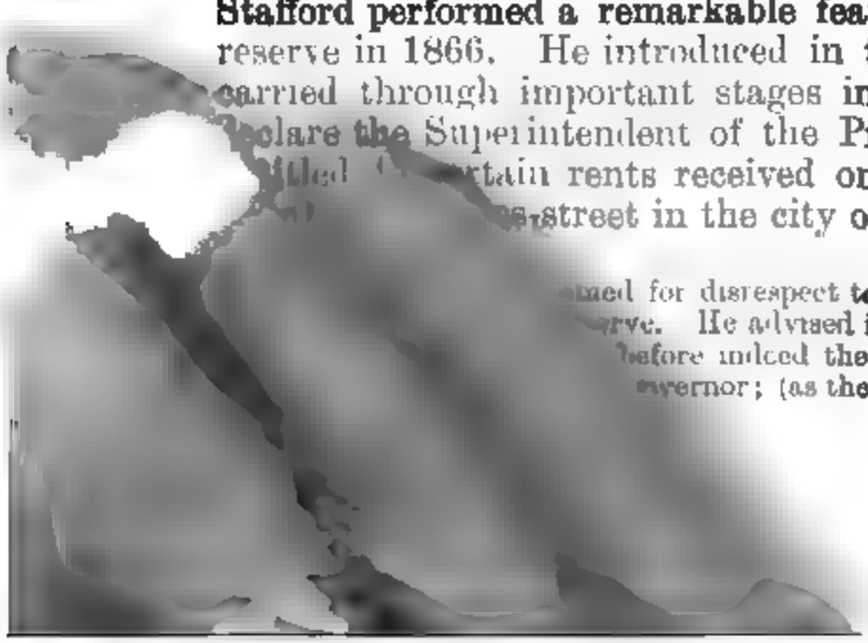
obtained the honoured name of the Queen to crown their proceedings.

Then the mask was dropped. Until Jan., 1866, the Dunedin plotters had usually spoken of the Maori reserve as "a reserve in Princes-street," or "on the east side of Princes-street," or "a piece of land situate in Princes-street;" but, having obtained the Governor's signature, they went undisguised.

The Town Clerk (29th Jan., 1866) applied for the back-rents, or "certain monies in the hands of the general government on account of the reserve *lately known as the Maori Reserve*,[31] Princes-street, South Dunedin."

The application was thought audacious. Under-Secretary Gisborne replied, by direction of Stafford: "There appears to be no power to transfer rents accruing on account of this land, previously to the issue of the grant, either to the grantee or the City Council of Dunedin. A Bill will be submitted to the General Assembly next session for determining doubts as to the appropriation of the land and the funds arising out of it."

Strangers to New Zealand might wonder why Maoris were not asked what they wished to say upon the subject before their reserve was shuffled out of their possession. Sir G. Grey, Fitzgerald, and others, had not then given them seats in the Legislature, and the conduct of the actors in the Princes-street drama does not suggest a hope that the Maoris were called upon to express an opinion. Moreover, Stafford's ministry was reconstructed, and Mr. J. L. C. Richardson, so active about the reserve in 1865, became Stafford's colleague in 1866. According to Mr. Mackay's compendium—quoting a report of a Select Committee—Mr. Stafford performed a remarkable feat in the matter of the reserve in 1866. He introduced in the Lower House, and carried through important stages in one day, a Bill "to [illegible]clare the Superintendent of the Province of Otago to be [illegible]tled [illegible]rtain rents received on account of a reserve [illegible]-street in the city of Dunedin."



[illegible]med for disrespect to the provincial government [illegible]rve. He advised it, in 1852, before there was [illegible]efore indeed the boundaries of the provinces [illegible]vernor; (as they were in 1853).

There were, fortunately, two Houses of Legislature; and the Legislative Council (28th Sept.) ordered the bill to be "read a second time, this day six months."

If there had been a plot to ratify by a law the abstraction from the Maoris of the land for which both the Governor and the Prime Minister testified, that "by mistake" a grant had been procured for the Otago Superintendent, it failed.

The first note of Maori feeling on the subject which Mr. Mackay's compendium affords, shows that Stafford had means of knowing what it was before he carried his bill through one House in so rapid a manner. But public men are very busy during a session, and it may be hoped that as he testified that the "grant may have come up inadvertently" for the Governor's signature, so he put the Bill inadvertently before the House in September.

Be that as it may, Mr. Mackay's official documents contain a letter from the chief Taiaroa (5th Aug., 1866) to the Governor. " . . . I have a word to say to you about our reserve here in the town. I request you to make clear to us the case in respect of it. I have heard that it is being taken away by the Pakehas of the town that land is in. It is very wrong thus to take our land away without a cause. Friend, the Governor, with you is the disposal of that land. Do you, in replying to this letter, make clear to us its position. If any Pakehas importune for that land, do not let them have it without paying for it. Friend, give heed." . . . Stafford waited, apparently, more than two months before writing to "His Honour the Superintendent, Otago" (Dick), about taking away the land "without a cause;" having in the meantime made his abortive attempt to deprive the Maoris of the accumulated rent by a special Act. On the 16th Oct., 1866, Stafford sent Taiaroa's letter to Dick and said:—"After a careful consideration of all circumstances connected with the native claim to this reserve, and with the Crown grant referred to, the government is of opinion that the question of the validity of the grant should be submitted to a proper judicial tribunal." (He proposed to test the matter [illegible] usion.) "The expenses attending the pr[illegible] able on the contingencies of the Native [illegible] he proceeds of the reserve, according as [illegible]

But trials, especially fair trials, were never palatable to those who deemed the Maoris fit objects for pillage. Dick replied (30th Oct.):—"On behalf of this government (*i.e.*, the government of the province Otago) I decline to try the validity of the Crown grant by the course proposed, on the ground that the provincial government cannot recognize any Maori right or title to the reserve in question, which point, it was understood, had already been definitely decided by the General Assembly."

To any one ignorant of the curious way in which people can persuade themselves that their conduct is right, when they set aside in their own favour the weightier matters of the law—judgment and faith—it may appear unaccountable that such letters could pass at such a time between Stafford and Dick; but they stand printed in Mr. Mackay's valuable "Compendium of Official Documents."

The next important document contained in it is a letter addressed by no less than sixteen members of Parliament to Stafford (12th July, 1867). Macandrew was one of them. They told him that in accordance with his own "request," made "on the 9th inst.," they applied for the rents, and that in their "humble opinion" it "would be an act of injustice on the part of the general government any longer to withhold them" from the province of Otago. Stafford informed them (23rd July) that "the government, after a careful review of all the circumstances of the case, is of opinion that the payment requested should be made, and will consider in what manner this can be legally effected." On the following day he wrote to Macandrew (who had become Superintendent of Otago and) who was conveniently in Wellington. Stafford had been advised that the Superintendent of Otago must be "recognized as the recipient of the rents."

"[illegible]t proceedings were threatened with a view to obtain [illegible] declaration of the invalidity and cancellation of the [illegible] grant," [illegible] Stafford required, before paying money [illegible] drew, [illegible] dertaking to return it if the proceed- [illegible] ssful, or if any other person than [illegible] found entitled to the money. On [illegible] w declined such a responsibility; [illegible] committing the province to the

chances of such a contingency." He added that after consultation with other members it was thought advisable that Mr. Dillon Bell should reintroduce in 1867 the Bill thrown out by the Council in 1866, the object of which was to enable the Otago province to receive the Maori rents.

But an obstacle had intervened. A Maori, J. T. Patuki, had (15th July) prayed that the Governor would "permit and enable" the Ngaitahu and Ngatimamoe tribes to try in the Supreme Court their right "to this reserve and these funds;" and on the 22nd July Patuki had been informed that his petition had been assented to.

Mr. Mantell was courteously informed of the fact (25th July) by Mr. J. C. Richmond, and was invited to interest himself as a friend in the matter, as the government wished "to afford these natives every facility to test the validity of their claim, and will guarantee a payment to their legal advisers of a sum not exceeding £200 on account of expenses incurred in prosecuting the suit including those already incurred by you on their behalf."

The sum was not large, and was to be taken from funds derived from the patrimony of the Maoris, but the tone of the letter was kindly. Mr. Mantell agreed to act in accordance with it. But when application was made to the Attorney-General, Prendergast, for a writ of *scire facias*, he replied—"Upon the usual bond being given to the Registrar of the Supreme Court, let the writ issue."

Mr. Mantell (7th Aug.) promptly requested his gracious correspondent, Richmond, "to indicate the mode in which the demands of the Attorney-General are to be acceded to, and to appoint bondsmen to undertake the responsibility on behalf of the government."

Mr. Richmond's reply was neither prompt nor gracious. On the 19th Aug., 1867, he wrote:[32]

"SIR,—Referring to my letter of the 25th July last, agreeing to guarantee up to a certain amount the costs of a suit as to the ownership of the Princes-street Reserves, Dunedin, I regret to be under the necessity of informing you that the government having at or near the time of my promise entered into an arrangement altogether inconsistent therewith, have considered it proper to withdraw the guarantee in question so far as the future is concerned. . ." (They would however pay costs already incurred). "J. C. RICHMOND.'

"The Hon. W. B. D. MANTELL, M.L.C., Wellington."

[32] Mackay, p. 149.

After brief interlocutions, Mr. Mantell replied formally on the 26th Aug. Meanwhile Mr. Dillon Bell had (30th July) introduced his Bill to enable Otago to receive the Maori rents, and on the 6th Aug. had withdrawn it, on the plea that "the government had taken the matter up;"[33] and on the 7th Aug. Stafford had reintroduced a similar Bill.

On the 10th Sept. it was passed in the Lower House, and was sent to the Upper, where, in technical phrase, it "lapsed."

A Select Committee of the Lower House reported in 1868[34]—"The loss of the bill appears to be attributable to the following circumstances:—On the 22nd Aug. a petition from a native chief, named John Topi Patuki, claiming to be interested in the reserve, was presented to the Legislative Council. Its prayer, as described in the journal, was that the Dunedin Prince's-street Reserve Bill be not passed, but that 'the whole question be dealt with by a judicial tribunal.' (Similar had been Bishop Selwyn's and Sir W. Martin's prayer in 1860 about the land at Waitara.) The Legislative Council resolved (17th Sept.) to accede to Patuki's prayer, on the ground that the matter could 'only be equitably and satisfactorily decided by the Supreme Court.'"

The significance of Mr. Richmond's abandonment of the promise made by the government to the Maoris is more easily understood by observing that (after the promise was made on the 25th July by Richmond, his colleague) Mr. Stafford, as Premier, introduced his Bill to sanction the payment of the accrued rents to the province of Otago. It was while the Bill was before the Lower House that Mr. Mantell formally replied (26th Aug.) to Richmond's announcement that a promise not so old as "one revolving moon" would be repudiated. Some warmth of expression was perhaps natural.

. . . "I cannot understand the mode in which the government can reconcile with any reputable idea of honour and good faith the limitation and withdrawal of the guarantee of 25th July, intimated in your letter of 19th Aug. (Mr. Mantell had recommended Mr. Izard, the Maori legal adviser, to tender Patuki's bond for £500 to satisfy the de[illegible] Attorney-General.)

[33] Mackay's Compendium, vol. i., p. 172.

"Whether that unfortunate chief can 'withdraw' this guarantee with the facility which you appear to believe attends a similar but far less justifiable act on the part of the government, the Attorney-General can inform you. . . . It seems scarcely necessary to inform you that after this experience of the ways of your government towards the weak, I decline to take any further action in this matter on behalf of the government. You will, of course, address any further communication to Mr. Izard, who, with Mr. Allan, on your letter and guarantee, undertook the conduct and charges of the case—my correspondence with you ending, I trust, here.

"To me the case is but too clear. On the one hand the natives require from you, out of the funds received by you as their self-constituted guardians, sufficient to enable them, as encouraged by the Queen's Representative and by yourselves, to try in the courts of the colony to recover property long recognized as theirs; . . . on the other, a demand for these funds is made on behalf of the body which now holds that grant, supported by no argument that has not yet been fairly met, but preferred by sixteen members having votes in the Legislature. . . . And in this dilemma the government proposes now to assume a position of absolute passiveness, withholding from suitors of its own creation enough of their own money to pay their expenses. . . . Of the choice thus made by the government there is, I fear, but one opinion open to any man who cares for the reputation of the colony and his own honour."

Mr. Richmond retorted that some of the "topics in Mr. Mantell's letter" were of "a purely personal kind, and call for no official reply; although the injurious character of some of your remarks and insinuations will require notice when time shall enable a more temperate view to be taken on the subject."

The manipulation of the matter required the arts of a Joseph Surface, and it is well that Mackay's "Official Documents" reveal the facts. On the 25th July Macandrew refused to enter into an obligation to refund the rents if the Supreme Court should decide that he ought not to have received them. On the 27th August he proposed to hand over another piece of land to the Maoris instead of the Prince's-street Reserve, and Mr. J. C. Richmond was the go-between he made use of.[85]

In September the Bill to enable him to receive the accrued rents was arrested in the Upper House. On the 12th Sept. a committee reported to the Legislative Council that Patuki's "petition (against the Bill for handing the accrued rents to Macandrew) should be acceded to."

On the same day Richmond wrote to Macandrew that another member of Parliament had suggested "in con-

[85] Mackay's Official Documents, p. 156, vol. i.

versation" with Richmond, that Macandrew would probably accept the rents, and give (what he had formerly refused) a guarantee "to refund the same if the result of proceedings at law or in equity should be to upset the grant."

On that same day, and apparently in a hurry, Macandrew informed Richmond "officially" that he was "prepared to give the necessary undertaking to refund the accrued rents," and naturally enough suggested that if he could thus obtain possession of the funds, there would be "no object in pressing the bill now before the Legislative Council." If pressed, it might have been defeated in accordance with the determination to accede to the prayer of Patuki; and as its object was to put the money into Macandrew's hands, he did not require the bill if Richmond would give him the money without it.

Accordingly (24th Sept., 1867), the accrued rents (£6031 18s. 9d.) were paid to the Superintendent of Otago, he giving the required guarantee.[36]

Patuki's petition to the Queen was presented by Mr. Mantell to the Governor on the 19th Aug., 1867. It was not until the 5th Oct. that Mr. Richmond furnished a memorandum to be forwarded with it to the Secretary of State.

Both Sir G. Grey and Mr. Richmond alluded to the manner of the grant. Sir G. Grey said: "My responsible advisers at a meeting of the Executive Council inadvertently advised me to sign a Crown grant dated 11th Jan., 1866." Mr. Richmond said: "In the meantime, inadvertently as regards his Excellency and the Colonial Secretary (Stafford), a grant which had been prepared on the authority of the resolution of the House of Representatives was presented for signature and issued."

Mr. Richmond's memorandum obscured the facts. The Governor wrote that he had "sincerely desired" that the case should have been "compromised in a generous spirit towards the natives of the Middle Island, who parted with

[illegible] 1868 [illegible] mittee of the Lower House reported that they had [illegible] themselves that this undertaking would be a [illegible] tion for the purpose by the Pro- [illegible] d [illegible], p. 172. But the hurry of [illegible] difficult for them to act circum-

large tracts of land to this government for an almost nominal consideration." The Secretary of State dismissed Patuki's petition by saying he was "unable to advise Her Majesty to take any steps in relation to it."

Sir G. Grey, before quitting his post as Governor, told Mr. J. C. Richmond that he "thought the expenses of a suit for testing the validity of the grant should be borne out of the accrued rents of the reserve," and Richmond replied: "That fund is no longer in the Treasury,"[87] but suggested that proceeds might be abstracted from other native reserve funds, and (26th Oct., 1867) a formal order was made in the Executive Council to take £400 from Ngaitahu Reserve Funds to enable the Ngaitahu tribe to contend against the injustice done to them by "inadvertently" taking their land and "advertently" sequestering their rents.

Mr. Mantell was persuaded to watch the disbursement of funds on behalf of the Maoris.

Soon after these arrangements were made in 1867, the Native Lands Court sat (April, 1868) at Christchurch, and Mr. Hall (a colleague of Stafford, J. C. Richmond, and J. L. C. Richardson, in the ministry) made that singular order of reference which the New Zealand parliament confirmed by an *ex post facto* Act, with regard to the Ngaitahu deed and the extinction of Maori titles.

From Christchurch the judge proceeded to Otago, and there the question of the Maori reserve at Princes-street was raised before the court.

An official return[88] stated that the application of the Maoris was "dismissed."

They did not understand the law, but they knew something about equity and human nature. They collected, as best they could, funds with which to sustain their cause; and the account was called "The Naboth's Vineyard Account."

After a time, the case went before the Supreme Court at Dunedin, and Judge Ward decided on technical grounds against the Maoris.

[87] Memorandum by Mr. Richmond. [illegible]dium, vol. i. 155.

[88] Mackay's Compendium, vol. ii., p. [illegible]

They were not allowed to put the merits of their case before the court. There were some technical proceedings, and the judge decided that the Maori "declaration" was bad.

There was an appeal to the court at Wellington in November, 1869. There were long arguments. Much mint and cummin were expended, but some weightier matters were not dwelt upon. The case was called The Queen, Plaintiff in error *v.* Macandrew, Defendant in error:—but the solemn act to which the Queen had been a party in New Zealand—The Treaty of Waitangi—morally conclusive as to Maori rights, was not allowed to measure their claims. The judges decided that the declaration was bad.

The proceedings occupy many pages in Mr. Mackay's copious compendium, where those who do not shrink from the unsavoury task can read them. Mr. C. W. Richmond (Stafford's colleague when Rangitake was attacked at the Waitara) was one of the judges of the Court of Appeal.

Mr. Mantell and Mr. Izard, a legal adviser, petitioned for a hearing before the Privy Council. Taiaroa journeyed to Wellington to consult about funds; others assisted, and the "Naboth's Vineyard Account" increased.

The appeal was in progress in 1872, and it may be that an exposure, of the facts, in England was not deemed desirable. It may have been thought that an English tribunal would closely investigate the Maori case, and deal with its merits, rather than stifle it in the wrappings of technicalities. Stafford, Richmond, and Richardson were at the time out of office. Fox, Vogel, and others took office in 1869, and with them Donald McLean for the first time became Native Minister.

Stafford expelled the Fox ministry (Sept. 1872), but was [illegible]lf driven from office in the next month. McLean [illegible] became Native Minister in a Waterhouse ministry, [illegible] was Treasurer, and, for the first time, [illegible]ecutive councillors.

[illegible] that the "government were desirous [illegible] stopped," and that the provincial [illegible]hared the desire, and "wanted [illegible] Mr. Izard had "every hope of

succeeding" in the appeal, but consented to compromise, and after sketching terms with Mr. Vogel, consulted Mr. Mantell. The result was a telegram to England to stop the appeal on payment by the province of Otago of £4560 and £500, which would provide, after certain deductions, £5000 for division among the Maori claimants and leave the province in possession of the coveted land.

Mr. Izard wrote to Patuki that though he did "not think the Maoris entitled to anything less, in strict justice, than the whole of the land,"—the chances of success must be considered, and he had made the best bargain he could with Mr. Vogel. Mr. Mantell also wrote to Patuki that the compromise represented, not the Maori rights, but their prospect of obtaining them. He believed the rights unquestionable.

"On considerations of public policy in the true interests of the colony, I should and do desire that the case should go on before the Privy Council whatever the result; for I am not absolutely without hope . . . that an authentic exposure of all the facts relating to this case might at last arouse some English statesman to a sense, that in delegating powers to colonists, the Imperial Government is bound in honour and duty to insist upon the honest fulfilment of every engagement made by Her Majesty's representatives on behalf of Her Majesty, and in Her Majesty's name, prior to such delegation; and that of this duty the Imperial Government cannot divest itself before God, though it may succeed in doing so before man—as man goes. But you will say . . . what is the best in a pecuniary point of view, that I can do for myself and my tribe in this matter? In this view I conscientiously believe that by accepting the proposed compromise you will obtain the full value of your chances, as far as I can see them. The law is always uncertain. . . . The decision of the Privy Council may be adverse, or may not be final, and the case may have to be begun again, if you can go on with it; and whence are the funds to be derived?"

Whence indeed, when a powerful syndicate waged war with combined funds against the Maoris and their friends?

Mr. Mantell wrote also to Taiaroa, who told Mr. Izard that he could not say the compromise was bad, although it was known that the land was rightfully the property of the Maoris. "However I will consent in order to save my property and that of all my people—lest we lose the case in England as we have lost it in the Supreme Court of New Zealand."

Thus the title to the land passed away—at a time when its value was estimated at £100,000, and when a member of the New Zealand Parliament said that the condition

of the Maori victims of "unfulfilled promises" in the Middle Island was a disgrace to any government. In the absence of some apprehension that an English tribunal might do justice, it may even be doubted whether the Maoris would have received any compensation at all. When Taiaroa afterwards moved for a Select Committee on "Unfulfilled Promises," Mr. Macandrew complained that the composition of the claim to the reserve for £5000 "seemed only to have had the effect of giving a taste for blood."

What, then, must have been the appetite of the province of Otago which had swallowed almost all the land of which the reserve was but a fragment, and had sought that sweet morsel in the manner by which Sir G. Grey's signature was obtained for the grant?

Is it to be wondered at, that, hearing the groans of his people, Taiaroa sometimes used strong language? A report by Judge Fenton, upon a petition from the Ngaitahu about the failure of the government to afford the hospitals and schools promised when they parted with their land, said that "even failure in this respect cannot be the subject of pecuniary compensation. Such compensation would be as incapable of calculation as the consequential damages in the Alabama claims." It quoted a legal maxim to support the rejection of the groans of the Ngaitahu people. Taiaroa obtained leave to lay a written comment on the report upon the table. He criticized it as "confused."

"You refer to the Europeans having brought peace. I reply to that, I would rather be dead than live to witness the distress and pain which my people suffer through the deceitful and unfulfilled words of the false-speaking race—the Europeans. You say *qui sentit commodum, sentire debet et onus;* but I have not seen any benefit derived by myself and my people from the Europeans. . . . The words of the report are merely grumbling words; they have no force. They are deceitful and delusive; (Kahore e pono) they are not true. Mr. Fenton refers to that vessel the 'Alabama.' Is the same course to be taken with the Middle Island as with that vessel? What was done about her? Did not England pay on her account to the American government, because she was built on English soil?"

[illegible] may blame such language, but can they [illegible]

[illegible] people the money paid by the [illegible] appeal to the Privy Council [illegible] applied for the arrears of

rent which had accrued before the "inadvertent" grant of the reserve to the province.

In 1874, Donald McLean and Mr. Vogel gave no answer to his appeals.

In 1875 Mr. Mantell supported him, but McLean was uncompliant.

In 1876 Taiaroa asked in the House whether McLean would restore to the Maoris the rents "due before the issue of the Crown grant." They exceeded £6000. McLean postponed his reply in order to consult his colleagues; and, when again questioned, refused to recommend the restoration "inasmuch as it was understood that the claim was settled or compromised by the payment" in 1872.

If that had been the case it would have been easy to say so in the first instance: and in that case also it would have been supererogatory to endeavour to procure Taiaroa's signature to a document which had not been shown to his legal adviser. This was proved in 1877, when the chief renewed his efforts, and the matter was examined by a committee.

Donald McLean, so powerful in the House on Maori questions, had then retired. The intricate methods resorted to in previous years to deprive the Maoris of their reserve, and withhold their rents, were discussed before the Committee. Taiaroa gave evidence.[39] Fox and Macandrew warmly opposed the restoration of the arrears of

[39] He also examined witnesses. He asked Stafford, at the committee, "Supposing that there were rents paid and accrued on account of that land before the day of the issue of the grant, to whom do you think those rents should belong? to the Superintendent, in whose favour the grant was made, or to the natives?"

"I should think that would very much depend upon the nature of the terms that were agreed to as a compromise in regard to the reserve in question."

"In reference to the Crown grant, if you had known at the time that it was the Princes-street Reserve that was about to be signed, what would you have done? Would you have stopped the signature of it?"

"I intended to refer the question to Parliament, and to be guided by its opinion, whether the grant should issue or not."

"Were you ever aware that that land was originally recommended by Mr. Mantell to be reserved for the natives, and the recommendation approved by the Governor?"

"I could not say now. I had heard and read the evidence; . . . but I could not at this moment remember exactly the details of it.'

rent. The Committee nevertheless recommended it. Fox and Macandrew protested. Sir G. Grey had become Prime Minister in Oct., 1877. Mr. Sheehan was Native Minister. Mr. Macandrew was their colleague.

A sum of £5000 was put on the Estimates as "Final Settlement of Native Claims to the Dunedin Prince's-street Reserve," and was passed on the 6th Dec. by 28 votes against 23.

Taiaroa, though present during the evening, did not vote. The three Maori members for the North Island voted for the grant. Mr. Macandrew consistently voted against it.

Such was the fate of the Maori reserve at Dunedin, so small, so coveted, and so "conveyed" under the auspices of Stafford. Officiating at the "rape of the Waitara," he pretended that he was warring against the proud. In the snares laid to defraud the Maoris of their reserve at Dunedin, he condescended to pilfer from the weak.

Speaking of the proposal of certain theorists "to confiscate, either openly or under the thin disguise of a predatory use of the taxing power, every man's freehold, Professor Goldwin Smith remarks:—"That the State has, by the most solemn and repeated guarantees, ratified private proprietorship, and undertaken to protect it, matters nothing; nor even that it has itself recently sold the land to the proprietor, signed the deed of sale, and received the payment. That such views can be propounded anywhere but in a robber's den or a lunatic asylum, still more, that they can find respectful hearers, is a proof that the economical world is in a state of curious perturbation."[40]

What language would the learned professor have used about the Maori reserve at Dunedin if the facts had come within his knowledge? There, not only the ordinary obligation to do right existed. England had only obtained a footing in Ne[illegible]land by a treaty in which she guaranteed to the Mao[illegible] 'he r[illegible] British subjects, and acquired a [illegible] the Crown of such lands as the [illegible] Under that treaty the Crown a[illegible]land in the

[illegible]y, Lon-

Middle Island at a nominal cost, guaranteeing at the same time large reserves to the Maoris by promises admitted to be "unfulfilled."[41]

The Prince's-street Reserve, however, was specially allotted to the Maoris. It cannot be denied that the elaborate and curious manner in which it was wrested from them after "solemn and repeated guarantees" and pledges of protection from the Crown, deserves exposure.

Exposure of wrongs is easy when the facts have been officially recorded. A chief like Taiaroa, having a seat in Parliament, could drag the question of the Dunedin reserve into light.[42]

[41] When Taiaroa moved for a Select Committee on the unfulfilled promises, a member was shocked. The motion "might cover a claim for two millions of acres in the Middle Island." In other words the largeness of an obligation is a reason for setting it aside altogether!

[42] [1894. The perverseness shown with regard to the Maori reserve did not cease at the point dealt with in the text. In Sept., 1885, Mr. P. A. Buckley, then a member of the Stout-Vogel ministry, carried in the Legislative Council a resolution calling upon the "Native Affairs Committee to inquire into the transactions of the Hon. Mr. Taiaroa in connection with the sum of £5000 voted by Parliament in 1877 on account of the £6031 12s. 9d. accrued rents, &c." A member of the other House (Trimble) had aspersed Taiaroa. The Native Minister (Ballance) at once reprobated the aspersions as incredible. The Native Affairs Committee speedily reported (18th Sept.), and their report was printed. (1885. No. 23. Legislative Council.) They found that after a distribution of a sum at Kaiapoi the balance of the grant of 1877 was "lodged as a fixed bank deposit at Dunedin in the joint names of the Resident Magistrate Mr. Watt, Honi Patuki, and Taiaroa. Taiaroa refused to sign the receipt required of him before the payment of the money because it expressed that the amount £5000, was to be in final settlement, whereas Taiaroa claimed £6000 in round figures." (After long) "resistance the receipt was signed under threat from the Native Minister, Mr. Bryce, that the money would be recalled by the government." . . . "Upon this threat Taiaroa and Patuki released the deposit." . . . "Meantime the government had claimed the interest (!), and against the earnest pleading of Mr. Watt" . . . . "had taken possession of it." . . . "Taiaroa has since petitioned the House several times for the payment of this accrued interest, and it is in connection with this claim that animadversions have been made upon him." . . . "After a full consideration of all this evidence, the Committee are unable to find any ground for imputing to Mr. Taiaroa, in connection with these transactions, conduct discreditable to him as a trustee for his people or unworthy of a member of the Council. They find on the contrary that he appears throughout to have acted faithfully, and not to have exceeded his duty to his people in his refusal to compromise their full claim as long as there was any prospect of a favourable result. They are of opinion that the action of the government in seizing the accruing interest on the deposit account in Dunedin was unjust,

Some reserves were lost in gloom, but those who should have been the beneficiaries were no less pillaged and had no less cause for grief than the Ngaitahu of Otago. In 1882, in debate on a Native Reserves Bill, Captain Fraser (N.Z. "Hansard," Vol. 43, p. 637) said in the Upper House that "four native reserves were totally lost in Hawke's Bay; nobody knew what had become of them." And a newspaper remarked, "In spite of trustees, laws, regulations, red tape . . . they have been blotted from the map; not a creature, from the Native Minister (Mr. Bryce) down . . . has the faintest notion of where they are."

And yet some people have been willing to swear that the Maoris are under great obligations for the justice and kindness with which they have always been treated! and other people, without further inquiry, have believed them.

Well might the old chief Parore say in a petition to the Queen in 1882:—"These things, and many of the laws which are being carried into effect, are, according to Maori ideas, very unjust, creating disorder amongst us, giving heart pangs and sadness of spirit to your Maori

if not irregular. . . . As the inquiry affects the honour of the Council, the matter is of sufficient importance to require that this report, with the evidence attached, be printed in the appendix of the Journals."

The evidence showed that Mr. Bryce appeared before the Committee on the 11th Sept. When the chairman asked him (the first question) how it was that the ministry had power over money deposited in the names "of trustees"—Bryce evaded the question, and informed the chairman that it was a breach of privilege to inquire about Trimble's words in the House. The chairman, who had not referred to Trimble, said "That is not the wish of this Committee." Bryce repeated his assertion about privilege, and answered no question; and thus, under the shield of the absent Trimble, escaped the difficulty of explaining how, according to his sense of propriety, the ministry, of which he was one, could draw from a bank a sum of money deposited in the name of trustees. The House, moreover (on his reporting his refusal on the ground of privilege), revoked the leave previously given for his attendance, and the act condemned by the Native Affairs C[illegible] as "unjust if not irregular" was made the prelude to an [illegible] *Qualis ab incepto!* From the time when the [illegible] unlawfully procured the Governor's signature to aid [illegible] the time when the Hall government in 1880 seized [illegible] the Maori reserve at Dunedin was a [illegible] Maoris were defrauded of their rights. [illegible] Zealand Legislative Council Paper,

children, who are ever looking towards you, Most Gracious Queen; and it is averred by men of wisdom that these matters, which weigh so heavily upon us, are in opposition to the great and excellent principles of the Treaty of Waitangi."

Lord Kimberley, forgetful of, or vilipending the Treaty, and the oft-repeated and solemn assurances of his predecessors that it should be religiously and scrupulously respected, arrested the course of their petition, and told its bearers that "it was not the duty of the Colonial Office to advise the Queen in reference to local matters like the present."[48]

The reader should be informed of the response to the petition of Patuki which was sent to England. It was dated 17th Aug., but Mr. J. C. Richmond averred that it had "been held back in the hope that an arrangement of an equitable kind might be effected between the two claimants—the province and the Ngaitahu tribe." It is significant, perhaps, that on its receipt Mr. J. C. Richmond withdrew the promise of the government to supply funds to Patuki in order to try the validity of the surreptitious deed of grant of the Dunedin reserve. The Duke of Buckingham (21st Dec., 1867) informed Governor Bowen that it had "been laid before the Queen, but I have been unable to advise Her Majesty to take any steps in relation to it. I observe, however, that the Bill to which he refers, and which appears to have been intended to legalize the provisional use by the Otago government of £6000, is alleged to have been withdrawn." If the Duke had observed the larger questions at stake he kept silence about them. As far as he was concerned, the Queen's honour and the guaranteed rights of Maoris were remitted to the mercy of Macandrew. How it would be exercised might be inferred from the fact that on one occasion Macandrew, being arrested for private debt while superintendent of the province, used his power as such superintendent to iss

[48] Blue Book 1882. C 3382, p. 291. The Earl's ideas about t and good faith of England and England's Queen on this occasi to understand how it was that he was willing to sever Irelan United Kingdom and to abandon the Queen's loyal subjects to t those whom Mr. Gladstone had described as seeking to "mar rapine to disintegration and dismemberment of the Empire."

proclamation, and declared his own house a gaol in order to defeat the law.

In the year following that in which Mr. J. C. Richmond wrote that the "ministers would not object" to the Governor's abstraction of Maori money to enable the surreptitious grant to Macandrew to be tested, a Native Lands Court was held in the Middle Island, and a glance at its proceedings is needful. It sat at Canterbury during that portion of Mr. Stafford's administration which followed the junction of Mr. Hall with his old opponent. Mr. Hall asked Mr. Mantell to attend as a witness. In delivering judgment on one (the Rapaki) case submitted to them, the Court said it—

"could not fail to be struck with the remarkable reservation (in the Ngaitahu deed) by the vendors of all their 'pahs, residences, cultivations, and burial-places, which were to be marked off by surveys, and remain their own property.' This provision has not, according to the evidence, been effectually and finally carried out to the present day, nor has any release been sought for by the Crown. . . . The Court feels very strongly that it would be greatly to the honour and advantage of the Crown that the stipulations and reservations of these deeds of purchase should without further delay be perfectly observed and provided for."

One claim (Kaitorete) comprised a strip of land (between Lake Ellesmere and the sea at Banks' Peninsula) of from 12,000 to 15,000 acres, and the power of the government was brought to bear against the claimants, Heremaia Mautai and his friends. Mr. Rolleston, under the style of Crown Agent, acted for the government, and had subordinate aid. Mr. Hall was present to assist if higher power should be needed. Chief Judge Fenton sat with a Maori assessor, Pukuatua, an Arawa chief. On the 28th April, 1868, Mr. Hall intervened; and after discussion between himself and counsel on both sides the case was adjourned, "in order to see whether any arrangement could be made in the matter,"[44] between the government and the natives. No agreement was arrived at, and to coerce Mr. Cowlishaw (the Maori counsel) Mr. Hall signed an "order of reference" of a singular character under the Native Lands Acts 1865 and 1867. The 83rd section of the Act of 1865 enacted [illegible] with regard [illegible] agreements past or future made [illegible] Maoris [illegible] Peers treating for cession of lands,

[illegible] Vol. ii. (p. 205).

the Governor might refer the agreements to the Court for determination, but it excluded (until 31st Dec., 1866), any outstanding agreement, "unless the Governor shall otherwise direct." The Act of 1867 prolonged the exclusion until 31st Dec., 1868. Many months would elapse before that exclusion would cease to operate, and the Governor was not present to "direct otherwise." But some New Zealand statesmen little regarded law when Maori interests were at stake. Mr. Hall, on the night of the 28th April, signed an order referring for determination the agreement of 1848, and wrote that he did so "by command." Mr. Cowlishaw objected that the government could not thus interfere when a case seemed unfavourable to them. Mr. Williams (for the Crown) resented such an imputation, but confessed that "after hearing Mr. Mantell's evidence and that of the natives, the Crown were willing to admit that the reserves intended to be made under the incomplete Ngaitahu deed had never been carried out. . . . When it was found that the natives had a claim to more land than was reserved for them the Crown wished to refer it to the Court to say what quantity of land should be reserved in addition, and declare that the Ngaitahu deed should be completed by a release from the natives." The judge overruled Mr. Cowlishaw's objection to arbitrary interference with a case in course of trial, but admitted that the Governor's "powers were of a very wonderful kind," as the power "to make a case an order of reference was trifling as compared to that given by other clauses of the Act." Cowlishaw urged that an *ex post facto* use of the power could not have been intended by the Legislature, and proposed to put it in evidence that the Governor had "never authorized Mr. Hall to refer the matter to the Court." "Hall did not even sign as being connected with the government." Williams retorted that if Cowlishaw persisted "the Crown would be driven to take an extreme course." Mr. Hall added to his signature—"a member of the Executive Council of the Colony of New Zealand;" and the judge said that the Court was "bound to presume that the Order of Reference was duly authorized by the Governor; the Governor's signature was not necessary and it was presumed that Mr. Hall acted on his authority

until the contrary was shown."[45] Under this ruling the order was admitted, maugre Mr. Cowlishaw's objection, and the judge said he would "proceed with the case with increased powers." After such preliminaries the result was almost visible. Evidence was, however, taken, but the Order of Reference was the weapon on which Mr. Williams relied. To Mr. Cowlishaw's disparagement of the vague conveyance (in Kemp's deed of 1848) of lands to William Wakefield—"there was nothing to show what had been sold, or the terms upon which the land was sold"—Mr. Williams retorted that such an argument would concede "to the present claimants . . . a share in the whole of the Ngaitahu block." Judgment was reserved; but "the wonderful powers" which the judge had recognized seemed to insure its tenour. When it was delivered (5th May) the judge, at the entreaty of the Native Assessor, "hoped that the (triumphant) government would give fisheries to the natives wherever available." Mr. Rolleston asked "the Court to mention the extent of the land to be awarded," but Fenton shrunk from the task. There was an adjournment, with a view to ascertain what reserves the government would consent to include in the new deed to be extorted under order of the Court, and on resumption of the sitting, Mr. Rolleston consented to inclusion of "selweirs and fisheries" in the reserve, but stipulated that they should "not interfere with the general settlement of the country"—of which the government would remain the judge. The elaborate judgment demands notice. The case was declared to be "of vast importance, immediately concerning the title of the Crown to nearly the whole of this and other provinces, and raises points of a difficult and conflicting character. And the Court feels that it is scarcely a fit tribunal for the determination of such important legal principles, and such great constitutional questions." The judge could scarcely impugn the good faith of the Queen in entering into the treaty of Waitangi,

[illegible] from a speech made by Tauroa in Parliament (21st July, 188[illegible] [illegible] "Cowlishaw rose in his legal apparel and [illegible] he failed to find the Honourable John Hall [illegible] gentleman had got on his horse, and gone to his [illegible] Governor, Sir G. Bowen, was far away,

although he remarked, "the conditions laid down by Vattel and other writers on international law were not fulfilled in it. As, however, it constituted the foundation on which the English sovereignty was built up, . . . it must be accepted as a valid treaty forming part of the law." After such an exordium it might have been expected that the judgment would be built upon the acknowledged foundation. But such a course would have jarred upon many minds in New Zealand. The judge thought it "necessary to inquire what is the interpretation put by the Crown" on the treaty, and he raked from the charter, sent by Lord John Russell to Hobson in 1840, a phrase that the Letters Patent should not affect the Maori rights to lands now actually occupied or enjoyed by such natives." This "idea," . . . that the Governor might grant all lands except those "actually occupied by natives," led to an Instruction (5th Dec., 1840) to survey "all the lands" in the colony. But while quoting that phrase the judge did not notice another in the same Instruction: "It is our further will and pleasure . . . that you do especially take care to protect (the native inhabitants) in their persons and in the free enjoyment of their possessions." This omission was much; but it was not so glaring as the absence of all allusion to the reiterated pledges of every Governor of New Zealand to maintain for the Maoris, in the words of the Treaty, "full, exclusive, and undisturbed possession of their lands and estates, forests, and fisheries, and other properties which they may collectively and individually possess, so long as it is their wish and desire to retain the same in their possession." It would have been better for the judge to recall the noble rebuke administered by Lord Stanley to the New Zealand Company in 1843, than to construct a shadowy idea under which the Treaty might be eluded. But his mind seems to have been clouded.

The reader will remember the wiles of Lord Howick in the Select Committee of the House of Commons in 1844; how he strove to give effect to them by his Instructions in 1846; how Sir W. Martin and Bishop Selwyn resisted him; how Governors Fitzroy and Grey were constrained to reiterate their assurances that the Queen would honourably maintain the Treaty, and how Earl Grey himself was

constrained to convey the same assurance in the name of his Sovereign. It ought to have been impossible to cite the nefarious and recalled Instructions of 1846 as cogent, and yet the judge cited them as a distinct indication of the "view taken by the Imperial government," though he admitted that it was "objected to by the natives, and was never carried into practice, and in fact could not have been in a peaceful manner." Earl Grey would have limited Maori rights to the land "actually occupied or used by means of labour expended thereon," and the millions of acres not so occupied or used which the Crown had purchased from the natives, practically refuted the "idea" to which Mr. Fenton characteristically referred in 1868. Dismissing the Treaty, he nevertheless found that between 1846 and 1851 a "change took place in the interpretation put by the English authorities on the territorial rights of the aborigines:" but he did not state that the pretensions of Earl Grey were never entitled to be called the views "of English authorities;" that they differed from Lord Stanley's decision; that they were never adopted, but on the contrary were crushed in Parliament by Mr. Gladstone,[46] and others; and that the Secretary of State in introducing a bill which abandoned those pretensions promised that the Treaty should be "scrupulously and largely interpreted," which assurance he hoped would satisfy Mr. Gladstone that there was no intention on the part of the Colonial Office to "take any course upon the question of waste lands in New Zealand inconsistent with the rights guaranteed to the natives under the Treaty of Waitangi." Mr. Fenton confessed that in the Constitution Act of 1852, passed when Lord Derby was Prime Minister, "the unoccupied territory in the hands of the aborigines" was "regarded as their distinct and admitted property."

Such being [illegible] it might have been thought impossible to deny H[illegible] Mautai[illegible] compensation if he could prove [illegible] ad re[illegible]. For the convenience of th[illegible] custom to enter into possessio[illegible] ever

since the days when Mr. Spain permitted the proceeding rather than eject the settlers improperly located at Te Aro, in Wellington. The process was not a just one. It ignored the rights guaranteed by the Queen. Yet, though not altogether laudable, it was a clumsy attempt to compensate men who had been robbed. But Mautai was not supported by a powerful tribe. The colonists were numerous and powerful in 1868. They had been few and feeble in 1841. When Mautai declared that he had never consented to the sale, was no party to the contract, and had received none of its fruits, he was asked to name his "hapu." When he declined to say more than that he belonged to "all Ngaitahu" (Ngaitahu katoa), the fact that "some of his immediate family" had received money was held sufficient to disarm his claims.

"The court cannot recognize individual ownership of native land. . . . The contrary doctrine was endeavoured to be set up by the government in the celebrated Waitara case, but all aboriginal New Zealand protested against it. . . . We cannot allow Heremaia to set up a doctrine because it now suits his interest, against which all his countrymen have so energetically protested. *Qui sentit commodum sentire debet et onus*, is the maxim, and the Maori custom is that the individual must (as regards native land) be bound by his tribe in their external relations."

Mr. Fenton wronged Heremaia. He set up no claim to bar the rights of others. Like Te Rangitake he admitted them. "The land belongs to Teira and to all of us," had been Rangitake's contention at Waitara; and it harmonized with that of Heremaia at Kaitorete. If any Ngaitahu could prove that he had not been consulted, had had no opportunity of protesting, and had shared in none of the results of the Ngaitahu purchase, he was fairly entitled to be heard, and not to be stopped by Mr. Hall's fabricated Order of Reference, and Mr. Fenton's adapted judgment. It might have been deemed difficult to do away with the admissions that the Treaty of Waitangi and the Constitution Act of 1852 recognized and guaranteed the rights of the Maoris over all waste lands in New Zealand; but legal sophistry can weave webs in which elaborate details supersede principles. Mr. Fenton descanted upon the rise and fall of the New Zealand Company. Mr. Cowlishaw had impugned, on various grounds, the validity of the

Ngaitahu deed of 1848. Mr. Fenton retorted that "the two laws on which Mr. Cowlishaw relied for avoiding the deed" were repealed, and "the provision in the Constitution Acts was not retrospective." He was silent as to the Treaty. He was of opinion that the Ngaitahu deed was sufficiently bad in itself to convey no rights to Colonel Wakefield or his principals, but that "by the common law of the empire that deed did suffice to extinguish the title of the tribe Ngaitahu in the lands described," although made in presence of and attested by a commander in the navy, who seemed to represent good faith on the part of the Crown. There was "abundant evidence of the existence of a parol agreement of the Ngaitahu tribe or a majority of them to sell to Wakefield." The Crown adopted the contract; Mr. Mantell "partially reduced it to writing by making a memorandum of the receipt of £500 in part payment." . . . Now the maxim is, *Omnis ratihabitio retrotrahitur et mandato priori æquiparatur*. Seemingly unconscious that every word he uttered was a stab at the Treaty of Waitangi and the honour of England, the judge discussed whether "the part performance (of the parol agreement) had been sufficient to render powerless the Statute of Frauds," which required all agreements relating to lands to be in writing. He cited many English decisions, and beat the New Zealand air, but did not approach the Kaitorete case. "The Court (he concluded) is of opinion that though the several payments made by Mr. Mantell would not of themselves suffice to prevent the operation of the Statute of Frauds . . . yet those payments, combined with the receipt and the amended plan, and the subsequent acts of ownership exercised by the Crown (for a piece of land has been granted) would form sufficient grounds to cause a Court of Equity to compel a specific performance, and it will be the duty of the Court under the order of reference to ascertain [illegible] the terms of the contract, and to make such orders as [illegible] fulfilment of them by the Crown on o[illegible] tribe on the other." He dismiss[illegible] as spu[illegible] and touched upon [illegible] trib[illegible] exercis[illegible] and a[illegible], ri[illegible] fishery [illegible] wh[illegible] the

for specific performance. He gave judgment (he said) for the Crown, but it was a violent figure of speech, for the Crown was dishonoured by disregard of the Treaty, and was even made a party to a quibble which confiscated the Maori rights on the plea that the Maoris had forfeited their treaty rights by joining in a transaction with the Crown. There were legal maxims which Mr. Fenton did not cite, but which were more cogent than that with which he professed to set aside the Maori claims. Kemp, as Commissioner for the Crown, made the Ngaitahu purchase. It was at his solicitation that the Maoris signed the Ngaitahu deed. *Volenti non fit injuria.* Even if the supreme authority of the Treaty had not protected the Maori rights it could not be pleaded that the Crown was wronged by the presumed sale, which was the act of the Crown by its accredited officers. *Nullus commodum capere potest de injuria sua propria.* If the act was wrong, the Crown could take no advantage of it. These were maxims not only of English, but of more ancient jurisprudence, and ought to have made the Kaitorete judgment impossible.

The Court proceeded to Otago, where Taiaroa and others appeared before it. When the case of the Maori reserve in Dunedin was put before the Court, Macandrew pleaded to the jurisdiction; the convenient Cutten produced the Crown grant, surreptitiously obtained; the application of "Taiaroa and others was dismissed, evidence having been given that the land had been granted to the Superintendent of Otago;" and the applicants were instructed through an interpreter that "they would have to go to the Supreme Court." The fraud practised at Dunedin was nevertheless proved, *aliunde*, by a judgment delivered as to a Maori reserve recommended by Mr. Mantell at Port Chalmers simultaneously with that at Prince's-street and granted in like manner by the Governor to the Maoris. Counsel for the province opposed the Maori claim on the ground of want of power in the Governor to make the reserve and on many technical points. Cutten declared that the land was "selected in Great Britain in 1847." The Court postponed a decision on one point for further hearing, but delivered an elaborate judgment as to the remainder, to the effect that "no grounds whatever had been shown to justify the Court in saying

that the Governor was not justified in doing what he has done." A Crown grant was ordered to be issued to Taiaroa, Patuki, and others.

Mr. Hall's fabricated "Order of Reference," though it defeated Heremaia Mautai, was deemed inadequate. His action was not condemned, but it was found necessary to pass an Act[47] "to remove doubts as to the sufficiency of a certain order of reference," . . . signed "as by command and on behalf of the Governor." It was enacted that it should be deemed as "valid and effectual to all intents and purposes as if the same had been made by and given under the hand of the Governor."

In Dec., 1865, Dr. Featherston unveiled a statue of Grief, erected at Wanganui to commemorate the deeds of those friendly natives who crushed at Moutoa in May, 1864, the invaders of Wanganui. He had previously joined in receiving the Wanganui men on their return from the east coast, and he extolled the bravery of the dead and of the living when he unveiled the monument. He strove also to strove also to induce the chiefs to aid General Chute in a campaign on the west coast. Some who had been at Opotiki were discontented at receiving no payment, and Mete Kingi was dissatisfied at their treatment. Dr. Featherston addressed the tribes. Haimona, one of the heroes at Moutoa, sprang to his feet and declared that they would follow Featherston into the field. "Thus" (a local print stated) "terminated one of the most important meetings ever held in the colony." General Chute obtained a Maori contingent of 286 men; but to ensure their co-operation it was requisite for Featherston to accompany the forces. He joined them (2nd Jan., 1866), and on the 4th the Oakutuku pah was captured with trifling loss of besiegers and besieged. The Maori contingent danced a triumphant war-dance by moonlight. Pushing across a tributary of the Whenuakura river (the native allies under Major McDonell leading through dense [illegible] ravines, and precipices), General Chute, with [illegible] approached in rear the fortress [illegible] hill 500 feet high, abruptly risin[illegible]

[47] 32 Victoria, No. 3[illegible]

separating the descending spurs. Two hundred Ngatiruanui were supposed to be in the pah. A correspondent of the Wanganui "Times" wrote: "The General desired at first to attack at once, but wisely yielded to native representation of the necessity of deliberation. . . . Thereby the main defences of Putahi were neutralized. . . . At 3 a.m. on the 7th the General's forces . . . in perfect silence and darkness, ascended the ridges. . . . The native contingent, under Major McDonell, and Rangihiwinui, a really useful lion that day, led the way" to the plateau. By a rush from the wooded shelter, after some firing, Putahi was stormed. A prisoner, after being allowed to tell that the firing had been destructive to the rebels, was, in cold blood, "freed from the cares of this life by one of his own charitable countrymen."[48] Thus wrote the Wanganui reporter. Colonel Weare (50th Regt.), who was stationed at Patea, in obedience to the General's orders, placed two ambuscades, intercepted some flying rebels, wounded one, and captured another. Colonel Weare[49] was with the ambuscade which effected the capture. The Major-General loudly praised the Forest Rangers under Von Tempsky, and the native contingent. Putahi was burnt, and on the following day the contingent destroyed their countrymen's crops, and returned laden with potatoes, which they shared with the troops. On the 9th, General Chute marched across the Whenuakura River to Kakaramia, taking thither Colonel Weare's prisoner of war. On the 10th, scouting parties went out. It was ascertained that the enemy had taken shelter at Otapawa, accessible only by a way shown by the native contingent. There the Ngatiruanui were at bay. General Chute left his camp before sunrise (11th Jan.), having given orders that the Maori prisoner of war should be shot. These orders were executed by a party of the 50th Regt., and the officer in command shed tears of shame as he obeyed them. Chute marched to Otapawa, where, under cover of six-pounder guns served by the Royal Artillery, the

[48] "A Campaign on the West Coast of New Zealand." Wanganui, New Zealand: 1866.

[49] Colonel Weare's despatch (7th Jan., 1866) to the Deputy-Assistant Adjutant-General.

gallantry of the 57th and 14th Regiments carried the pah on the 13th Jan. In storming it, Colonel Hassard, of the 57th, fell, mortally wounded. Twenty-nine Maoris were found dead; and of the English, eleven were killed and twenty wounded. The country was scoured; settlements, crops, and houses were destroyed. On the 15th Jan., Chute wrote to Sir G. Grey: "All the principal villages and positions up to and within reach of this camp (Ketemari) having been destroyed and the rebels scattered with heavy loss, I propose, in pursuance of your Excellency's instructions, to continue my march immediately towards Mataitawa and New Plymouth by the bush-track behind Mount Egmont." He did not allude to the killed prisoner. The Wanganui record,[50] describing the capture of Otapawa, said: "Three shots from the Armstrong had called forth no reply; . . . many a one, even to the General, thought that the pah had been abandoned . . . it lay as silent as a graveyard, and as ominous. Colonel Butler, on advancing further, could see that the silence was not caused through a want of occupants. The rifle-pits behind the palisading were thickly lined with black heads, and a bush at right angles with the pah swarmed with the black vermin." Elsewhere the same record stated that the garrison at Putahi included "a fair proportion of ferocious Amazons." But the Wanganui scribe made no mention of the killing of the prisoner of war. Before the march was resumed, there was some difficulty in persuading the Wanganui men to go farther from their homes; but Dr. Featherston was eloquent. Hori Kingi te Anaua, the principal chief, by an urgent appeal converted the recalcitrants, and there was a general chorus: "We will go; we will go." Eighty were chosen for the work. The native contingent, in advance, shot a few rebels, but no resistance was encountered. Food was scarce. Horses were killed and eaten on the way. On the 25th, the General reached Mataitawa, whither the native contingent had preceded him. On the 26th, with 100 of the 43rd Regt. and an Armstrong gun, he went in a steamship to the mouths of the Mokau and '

[50] "A Campaign on the West Coast," &c.

rivers, but saw nothing worth destroying, and returned without landing the troops. On the 27th, he marched into Taranaki. A triumphal arch was erected to do him honour, and the Superintendent of the province, Mr. H. R. Richmond, presented an address, lauding his sagacity and courage, which had left "no security for rebellion." He marched southwards past Oakura, and (1st Feb.) destroyed the Waikoko pah, killing a few Maoris and laying waste an "unusual extent" of cultivated grounds. On the 2nd, Dr. Featherston prudently went before the destroyer, who found on arriving at Te Namu that Featherston had permitted many natives to take the oath of allegiance and avert the destruction of their homes. Chute passed on to Opunake. Te Ua, the early leader of their superstition, was peacefully residing there. Mr. Parris, by express authority from the Defence Minister, had permitted him to do so. Chute, in spite of Parris, seized Te Ua and his followers. Some were released, but Te Ua was sent to Sir G. Grey, who exercised clemency towards him. Men under Chute's control marauded everywhere, robbing friend and foe. Parris protested, and the Major-General ordered him to go away to Taranaki. There he heard that a peaceful chief, robbed by the army, had joined the rebels. Numbers of stolen horses were sent to Taranaki to be sold by auction. Parris wrote to the Native Minister:—

"The scene which took place at the saleyard was perfectly disgraceful. Nearly the whole of Captain Corbett's company, who have been serving under him as bushrangers for the last two months, were present, more or less under the influence of liquor, fighting and quarrelling about the ownership of particular horses, and abusing their captain and lieutenant for having taken away the best of the horses to themselves instead of sharing the proceeds of the whole among the company as agreed upon. The natives for claiming their horses were blackguarded and threatened with violence by the mob, on hearing of which I sent for the horses claimed to be pointed out to the auctioneer, but not to provoke violence. . . . It is my duty to inform the government that the friendly natives are beginning to be very much alarmed at the state of things, but I do hope that something will be done to put a stop to the very unfair interference with their rights."

Matakatea, distrusting the General, retreated to his residence Nukuteapiapi. Soldiers were sent thither. His property was seized or destroyed, and buildings were burned. Parris vainly applied to Colonel Warre for a pass to enable a chief to seek Matakatea, and "recommend him

to come in and refer his case to the government," but the chief and his followers were ordered to go before the troops in the attack. "They[51] were thus," Parris complained, "arbitrarily compelled to go in front of the troops without a gun in their hands wherewith to defend themselves, to the attack of a near relative." These proceedings were denounced by a Taranaki newspaper, which declared that it would have been better for Taranaki if the march from Wanganui had ended in the town, for the General had left more enemies in the district than he had found. On the 6th, Chute destroyed Meri Meri, and on the 7th finished his course at Patea, welcomed by the band of the 18th Royal Irish with the air—"See the conquering hero comes." On the 11th he reached Wellington by ship, and received congratulations on his "complete and triumphant success." On the 12th, he described his campaign to the Governor. He descanted on the difficulties surmounted. "There were no less than 21 rivers and 90 gullies, the precipitous banks of many of which presented formidable obstructions to our advance, and required great labour to make them passable. . . . To accomplish a distance of about 54 miles the force was eight days actually on the move." He reported the capture of Te Ua, who was at his "Excellency's disposal." His own disposal of his prisoner of war was not mentioned. "I believe that throughout the country traversed by the field force during the last six weeks there does not now remain one fortified position or ordinary village in the occupation of the rebels, who have suffered most severely in loss of life, habitations, cultivations, horses, cattle, and other property." He enclosed a diary kept by an officer at Waingongoro, which showed that all fruit-trees were destroyed. If the Romans in Britain acted like Chute one sees that the words attributed to Galgacus may have been simple truth.

Chute effusively praised Dr. Featherston for "sharing all dangers and privations," and obtaining information which could not otherwise have been gained. The native contingent was lauded. Hori Kingi te Anaua, Rangihiwinui, and Haimona, at all times merited his "warmest appro-

[51] N.Z.P.P. 1866; A. No. 8, p. 9.

bation." Majors McDonell and Von Tempsky and Ensign McDonell were highly commended, and Chute intended to report to England the "noble and gallant conduct of the whole of the troops engaged." The Governor told the Secretary of State (13th Feb.) that Chute had "displayed every quality of a great general." On the 15th the Governor eulogized the General at a banquet. The ghost of the slain prisoner did not rise to mar the festivities, and the General "resumed his seat amidst continued cheers, which lasted several minutes." But though banished from that scene, the miserable victim must be remembered in these pages. His death became known in England through a letter written by his captor, Colonel Weare, to a brother, a clergyman:

"The General received me very coldly for taking this man alive after his intimation of 'no prisoners.' However, I told him I could not order my men to kill a man after he had thrown down his arms and surrendered. . . . The prisoner was taken to Kakaramea, and kept there till the 11th, on which morning the General left at 3 a.m.; and at 8 a.m., under instructions from the General, this prisoner was taken down to a gully, tied hand and foot, and then cruelly shot to death by some of the 50th. . . . I have written to the General to know if Captain———[52] had due authority and orders for this act, as otherwise we consider he has cast a stain on the name of the regiment. . . . Since the leaving of Sir Duncan, the true sentiments of the Governor and his government have come out towards the Maoris in their urging General Chute on to all these atrocities of killing and no prisoners."

After denouncing wholesale confiscation of land, and deploring cruelties committed by native allies, Colonel Weare hoped that "the degrading and brutalizing manner in which this war is now conducted may be known in England, and the troops no longer be allowed to be demoralized by the colonists for their sole selfishness."[53]

[52] Though the name left blank in the published despatch was well known, there is no need to publish the name of the unwilling executioner.

[53] 1894. There was much correspondence concerning Col. Weare's letter. The first edition of this work contained a summary which it is not necessary to repeat. Sir G. Grey vehemently repelled the imputation of having countenanced "shocking crimes." Colonel Weare asked that his private letter might be "considered withdrawn," though he himself had "understood that the Major-General did not wish prisoners." Mr. Cardwell (April, 1866) in a confidential despatch urged Sir G. Grey to secure the observance "of all the humane usages of war." The Earl of Carnarvon received Sir G. Grey's repulsion of charges against himself and his ministry, and hoped that Sir G. Grey would withdraw his despatch, meanwhile refraining from "considering what would be the duty of Her Majesty's government should

Weary of continually urging the removal of troops from New Zealand, and of disputes between a Governor and a General, Earl Carnarvon had (1st Dec., 1866) instructed Sir G. Grey that he was not at liberty to exercise control over the movements of Her Majesty's troops. There was an exception as to one regiment, which might be retained on certain conditions. In Parliament the Earl animadverted (15th July, 1867) on the Governor, who complained to the Duke of Buckingham that the Earl had misled the House and the country. The despatch subjecting the Governor to the General had been printed in England, but the Governor's answer to it had been withheld from Parliament.[54] In it he had declared that, feeling keenly the disgrace to which the Secretary of State had subjected him, it would be his pride, nevertheless, to serve the Queen "as carefully in disgrace as in prosperity." At the same time he argued against the adoption of a rule so injurious to the service. To call a man Governor-in-Chief and to exempt from his control the senior officer of troops in a colony seemed improper in the eyes of the Duke of Cambridge, who declared in Parliament (15th July, 1867), that "no more dangerous step could be taken; and for this reason, that the military authorities must and ought to be subordinate to the civil." But the Colonial Office had arrived at the conclusion that the Governor was the obstacle to the withdrawal of troops; it was weary of disputes, and cut the knot which it could not untie. The cause which had induced the threat to remove the Governor was not set at rest during his term of office. After he was relieved (Feb., 1868) he saw the letters written to the Colonial Office by Colonel Weare's brother, attributing barbarities to the desire of the colonial government to have no prisoners. Accusations were contained which had never been made known to the Governor by the Colonial Office. He promptly sailed to England to demand the inquiry which he had

you unfortunately come to a different conclusion." Sir George in a powerful reply, refused to withdraw his despatch, and the Duke of Buckingham, who succeeded the Earl at the colonial office, did not insist upon Lord Carnarvon's demand. It was not until 1868 that some of the pondence was produced.

[54] In return to an Address of the House of Commons, its publ elicited in 1869.

vainly asked from the Earl of Carnarvon in 1867, and which the Duke of Buckingham declined to grant in 1868. He had the sympathy of the colonists. Arrayed against him were Earl Granville and the traditions of the War Office. His ministry had joined in his first protest against the charge of complicity with the killing of the prisoner. In Aug., 1867, the Legislative Council; in September, the House of Representatives, earnestly addressed the Queen, defending Sir George Grey, and praying that the irregular reception of secret charges might be checked. Their Governor had been maligned. The indictment had revealed the butchery of a prisoner without trial by order of the General. The honour of England was stained. The Duke of Cambridge, at all events, would be guided by a sense of right and a soul of honour. The papers showed that all the facts had not been laid before him. But Earl Granville, behind a formal veil of politeness, was as obdurate as his predecessors. He would not re-open a question which, he averred, had been decided by competent authority. In vain Sir G. Grey asked the nature of the decision, and the authority by which it was pronounced. Earl Granville cared little for the iniquity complained of. It would be forgotten amidst the pressure of new needs. All eyes in England were intent on the Irish Church. Not because of the alleged injustice of its grey existence, but because it was a party question—the disestablishment of the Church filled the political landscape. The ghost of a Maori could find no room there. Earl Granville improved on the proverb. If it would be wise to let a sleeping dog lie, it must be wiser to avoid discussion about a dead Maori, howsoever done to death. Discussion was objectionable, for a wrong might be winked at which could not be openly defended. The case must be strangled. It was unmannerly to bring a slovenly unhandsome corpse betwixt the wind and the Earl's nobility; and he was a fit functionary to reprove Sir G. Grey for bringing it there. After supercilious evasions, he declared that he saw no advantage in prolonging the correspondence. The most notable feature in the conduct of the Secretaries of State was that whereas when Sir G. Grey captured Weraroa new instructions were framed to prevent similar feats,—when inquiry was demanded as to the doing to death of a

prisoner, it was refused, although it was distinctly laid down in the Queen's Regulations that, in all cases of court-martial convictions, sentence of death was to be suspended, until approved, on Her Majesty's behalf, by the Governor. In the case reported by Colonel Weare there was not even a court-martial.

Lord Carnarvon succeeded in embittering the relations of the Colonial Office to Sir G. Grey. The Governor left him, he said (Dec., 1866), "to learn from the newspapers affairs described by the colonial press as brilliant successes," which, if impugned in England as merciless attacks upon unoffending persons, the despatches afforded no means of explaining. Sir G. Grey furnished an explanation. He was hurt by the imputation; "the more so, in my own case, because I can assure you that your Lordship has written under an entire mistake, and that I have done nothing to merit the censure inflicted on me." In July, 1867, the Earl, in the House of Lords, took occasion to express his "full satisfaction at the explanation," and apologized, not to the Governor, but to his advisers. "I admit my error in this instance, and readily express my regret, because I think now that the words in question were not unreasonably open to complaint on the part of the Colonial ministers." In November, 1867, Sir G. Grey, referring to Lord Carnarvon's speech, wrote (to the Duke of Buckingham) that if those who were at the head of the Colonial or War Departments, misled by secret correspondence, required blind acquiescence in breach of law and regulations, he owed no obedience in such matters, but he owed a duty to the Queen and empire, and it was right to withstand those who committed violent acts, or supported others in them, with a will as strong as their own, not caring what consequences might fall on himself. The Colonial Office did not allow this protest to see the light until 1869.

While General Chute was marching [illegible] the main body of the Native contingent w[illegible] ganui district. Some were stationed [illegible] which a garrison (57th Reg.) had t[illegible] tiations were set on foot. Pehi T[illegible] of terms of peace, and Mete [illegible]

canoes gaily equipped, responded to the invitation. The Hau Haus kept faith. After war-dances, speeches, and feasting, it was resolved that perpetual peace should be maintained on the Wanganui River, but that the men of the coast and the men of the mountains should be free to fight, as they listed, elsewhere. In other districts, many chiefs declared allegiance to the Queen. At Lake Taupo, all war was at an end.

Sir G. Grey (Feb. 1866), in compliance with request of chiefs, determined to visit the interior. His arrival at Napier induced the Hau Haus to surrender their flags, and take the oath of allegiance under the guidance of Te Hapuku and his brother, who thenceforward discountenanced Hau Hauism. Wairoa, Turanga, Waiapu, and Opotiki were tranquil. At Maketu the gallant Arawa waited to receive the Governor. There also he received a message from Te Heu Heu, who, with the chief next in rank to himself, was prepared to submit. They were almost the only chiefs known to be in arms against the Queen, and in the end of March they submitted, and agreed to accompany the Governor in his progress. At Tauranga there was trouble. The arrangement made by Sir G. Grey in 1864, after the defeat at Te Ranga, was in danger. Unsurrendered rebels protested against it. Those who had agreed to it seemed discontented. A meeting was held, and the Governor's eloquence prevailed. The chiefs thenceforward assisted in carrying out the arrangements. At Hamilton, on the Waikato river, he had an interview with Te Waharoa, on the 1st May. Rewi, he learned, was at Hangatiki, determined to keep aloof. The Governor persuaded Te Waharoa to visit Wellington to give information on Maori affairs. The island was at peace. Hau Hau fanaticism was not abandoned by all; but one of its founders, Te Ua, had renounced it as a delusion under which he had fancied himself inspired. He himself attended the service of the Church of England on board of H.M.S. "Eclipse," while his former proselytes worshipped around the Pai Marire staff in Maori villages.

Disputes about retention of troops were destined to encumber the path of many ministries. The Weld ministry survived less than three months after the meeting of the

General Assembly in July, 1865, at Wellington, which had become the seat of government. Mr. Stafford was hostile, but would not risk a division on the Address. To convince the Maoris of the good intentions of the government, Mr. Fitzgerald, with the Governor's sanction, published a Maori newspaper. The peace proclamation of September appeared in it. Mr. Weld and his colleagues intended to appoint two or three Maori members of the Legislative Council, but the project died with the fall of his ministry.

Indemnity bills were passed in 1865 and 1866. Their nature suggests that their framers knew that lawless acts had been done. When the bill of 1865, "for indemnifying persons acting in the suppression of the native insurrection," was sent to England,[55] Earl Carnarvon delayed giving any advice upon it. Another bill was passed in 1866 by the Stafford ministry, which was in power during General Chute's devastating march. The Duke of Buckingham announced (15th May, 1867), that the bill of 1865 would be allowed, but that of 1866 would be disallowed for several reasons:

"First, that it was so worded as to indemnify not only civil and military authorities and persons acting under them, or under the authority of the government, but all and every other person and persons whosoever who shall have done or ordered or directed any matter or thing to be done, &c. Secondly, that owing to the disjunctive form in which the 2nd and 3rd sections are drawn, the destruction of the property of a person suspected to be concerned in the insurrection would be covered by the indemnity given by the Act, even though such destruction may have been wanton and reckless, and not inflicted or ordered in or about the suppressing or quelling of the insurrection. Thus, if a private individual acting under no authority has wantonly or recklessly destroyed or ordered the destruction of the property of those whom he may have chosen to suspect . . . he would be protected under the terms of this Act, though such destruction in no way directly or indirectly tended to quell the insurrection, and though the person whose property was destroyed should have proved that he was in no way directly or indirectly concerned in it. In my opinion the Act should have been limited in its phraseology to an indemnity for acts ordered or approved by some responsible military or civil authority; and I may observe that in this respect the Act of 1866 is far wider in its terms than the Act of 1865."

If the Governor's advisers w[illegible] indemnity to acts done with the view and for [illegible]ling insur-

[55] Mr. Stafford drew up a [illegible] of 1865. Briefly, but significantly, it mentio[illegible] and threatened against p[illegible] of the Indemnity Act.

rection, or would pass a measure similar to that of 1865, the Duke would advise that Her Majesty should not exercise her power of disallowance. There was little prospect that the Maoris would seek redress in any colonial court; and the ministry, unable to obtain the indemnity they desired, accepted that which the Queen would allow.[56]

There was a war of despatches meantime about the retention of troops. Mr. Cardwell announced the resolution of the government as to their withdrawal, and cited the resolutions of the General Assembly on the assumption of office by Mr. Weld. The colonial government complained that the inactivity of the General delayed the departure of the five regiments for whose removal orders had been received. The General imputed obstruction to the local government and the Governor. To follow the dispute through all its ramifications would fill volumes. The General and the government disagreed as to the posts where troops ought to be retained, and disagreement impeded obedience to orders from England. In April, 1865, the Governor and his ministers urged the withdrawal of all Imperial land forces. In May, the General suggested withdrawal of regiments in a manner to which the Governor, with concurrence of his ministers, objected. The House of Representatives while Mr. Stafford was in office (28th Oct., 1865), resolved:

"That this House, without reference to the general policy of retaining the Imperial troops in the colony, and without admitting any pecuniary liability to the mother country on that account, desires to record its opinion that under the circumstances stated by his Excellency in the printed papers laid before the House, and especially having reference to the long inaction of the Imperial troops in the immediate neighbourhood of the Weraroa pah prior to its capture, his Excellency exercised a sound discretion in the course he adopted in protesting against the proposed removal of a certain number of the troops in May last, on the occasion when they were proposed to be removed by the General."

The history of the time may be read between the lines of this resolution—moved by Mr. Stafford in the first instance, but amended by Mr. Sewell (a late colleague of Mr. Weld), who added the justificatory reference to the inaction before Weraroa. Swelling with independence, yet staggering under financial distress; resenting the imputation that

[56] Act No. 39; 10th Oct., 1867.

they craved military aid to enable them to confiscate Maori lands, and yet loth to part with the soldiers; shuddering at the atrocities of the Hau Haus, and wondering that their countrymen in England did not make it an Imperial duty to stamp them out—instead of haggling over payment for each man, and keeping a debtor and creditor account of all stores consumed—the colonists of 1865 needed pity, and would have deserved sympathy if the crime at Waitara, the origin of their woes, had not been their own act and deed, set in motion indeed by a ministry, but adopted by the General Assembly.

A matter which Lord de Grey rated as one of profit and loss roused indignation. Major Heaphy, of the Auckland militia, was recommended as worthy of distinction. General Cameron and Colonel Havelock had in 1864 been loud in his praise; the former hoping that the Victoria Cross might be awarded to him. Not content with deciding that the Royal Warrant limited the distinction to officers of the regular forces, Lord de Grey, as if studious to offend, added that the Queen's troops had no chance of receiving that substantial reward in land or otherwise which was open to servants of the colonial government. Mr. Weld retorted that the devotion of a colonist was as honourable as that of others, and that when debarred from distinction which only his Queen could confer his sense of pain was unnecessarily embittered when terms were used which indirectly charged him with sordid motives. At a later date (Jan., 1867) a Royal Warrant ordained that the Victoria Cross should be receivable by colonists or others serving with the regular forces, and Major Heaphy received his reward.

The Aborigines' Protection Society urged Mr. Cardwell, in May, 1865, to despatch Commissioners "to investigate all questions connected with native policy." From Hauraki (the Thames) and from Horotiu (Waikato), Maori letters had reached the society—urging cessation from war and abstinence from confiscation. "Hearken! All the Maoris are agreed on these two points; for the blood of the Europeans is shed in his money, but as to the blood of the Maori it is shed on his own land." Mr. Cardwell declined to intervene, but the letters were published in the colony with his despatch to the Governor. The petitions had

been translated by Mr. C. O. Davis. Those who desired to trample on the Maoris endeavoured to wreak their vengeance on him. They caused him to be prosecuted in 1865 for publishing a "seditious Maori pamphlet," and for libelling the loyal Arawa. The trial lasted several days. Bishop Selwyn was called as a witness to testify to the probable effect on the Maori mind of the published libel. Maori witnesses were also examined. Mr. Davis was acquitted. A similar subject cropped up in the English press at the same time. Mr. Fox, who was writing a book about the war,[57] challenged the Secretary of the Aborigines' Protection Society to produce an address to the Maoris which the society had sent to the colony. Mr. F. W. Chesson published it with a letter to the "Times," in which he said: "A politician like Mr. Fox—who after vehemently denouncing the Taranaki war in opposition became the fierce supporter of an equally iniquitous war when he crept into office, and who, after filling a blue-book with his miserable wranglings with the Governor and seeking to initiate a general policy of confiscation which would have added tenfold to the horrors of the struggle, was compelled to give way to a better man—is not exactly the kind of person who can afford to make charges or to cast imputations upon even the Aborigines' Protection Society." The address in question besought the Maoris to be counselled by Sir W. Martin, Bishop Selwyn, Hadfield, and others. To this, perhaps, no objection would have been made if it had not been known that in the teeth of their denunciations of its injustice Governor Browne, his advisers, and the Duke of Newcastle, had plunged into the Waitara war. But there were other passages which various English newspapers attacked. "The Times" said—"It is a monstrous piece of extravagance to say not only that these savages have an indefeasible title to all the soil of New Zealand, but that they ought to be maintained in possession of it for ever, to the obstruction of all colonization. Such a proposition needs no contradiction." The "Wellington Independent" declared (Nov. 1865)—"England benevolently tells us through despatches, by the voice of Parlia-

[57] "The War in New Zealand." W. Fox. London: 1866.

ment, and in the columns of the 'Times,' that we may exterminate the natives as soon as we please."

The Maoris were not forgotten in the New Zealand Assembly. A Native Rights Bill was passed to remove doubts as to their position as British subjects. The Native Lands Act of 1862 will be remembered as having been passed by the Domett ministry in a different form from that desired by Sir G. Grey. The proceedings of the Land Court, in ascertaining titles, required confirmation by the Governor; and in 1862 the Duke of Newcastle, professing confidence in the Governor, sanctioned the Act, which was only to come into operation in districts proclaimed by him. By the Native Rights Act of 1865 the ancient custom and usage of the Maori people with regard to title or interest in land was preserved, and the Supreme Court was bound to refer questions of Maori title to be tried in the Native Lands Court. One great work of the session was the creation of the court over which Mr. Weld had asked Mr. Fenton to preside. The Native Lands Act in 1865 amended and consolidated the laws relating to lands where Maori proprietary rights remained. There were to be a Chief Judge, other Judges, and Native Assessors. Like the Act of 1862, it recognized the right of natives to sell direct to Europeans, and thereby departed from the treaty of Waitangi. The shattered Maori rights were to be re-adjusted, not completely but partially. Certain powers of co-operation with the Native Land Courts were reserved for the Governor, the juries were to be composed of Maoris or settlers, and the Supreme Court was bound to receive as authoritative the decision of the Land Court. The Judges were to hold office during good behaviour and not at pleasure of the Governor-in-Council. Mr. Mantell must be mentioned as having taken an honourable part in the preparation of this Act, which when he retired was ably conducted through the House by Mr. Fitzgerald. To Mr. Weld also is due the tribute that under his ministry the Bill was prepared by Mr. Fenton, whom Mr. Weld [illegible] for the critical post of Chief Judge. In introduc[illegible] measures relating to Maoris (on 18th Aug[illegible] were the Native Rights Bill and the Na[illegible] Fitzgerald said—"We have heard h[illegible]

the nations of Christendom went out to fight the heathen with the sword in one hand and the cross in the other; and may we not gather from that old story a symbol and illustration of the true mode of governing men in all ages —the sword to suppress crime, and the cross to point out an object to enlist the nobler sympathies of a man's nature?

"And if I shall be told, that in the language I have been in the habit of using, I have forgotten that the sword is an element in human government, I reply that if I have seemed to do so it has been because in our dealings with the native race, and in the popular opinions expressed throughout the colony, I have seemed to see only the sword gleaming in the air, whilst the cross was trampled in the dust."

Mr. Weld himself introduced a Native Commission Bill to enable the government "to ascertain the views of the natives" (an object which might more easily have been attained before "the rape of the Waitara"). In moving the second reading, alluding to the exploits of Mokena Kohere, Mr. Weld lauded the gallantry of Mokena Kohere, of the Arawas, and of the men of Wanganui:—"For bravery and diplomacy they were the equals of Europeans." To the Native Lands Act Mr. Fenton (the Chief Judge), the Pakeha Maori (Mr. Maning, who was appointed Judge), and many others, ascribed an advance towards confidence and contentment on the part of the Maori race as gratifying to their friends as it was surprising to their enemies. It was the fruit of much care. The Native Minister and the Attorney-General (Sewell) had wisely taken counsel with Sir William Martin before introducing it. When, at the close of the session, Mr. A. H. Russell became Native Minister under Mr. Stafford, Sir W. Martin put forward his views in a manner which excited the admiration but did not evoke the help of Mr. Cardwell. War should be terminated on terms of cession, not seizure, of lands. Until there were Maori representatives no bill affecting Maoris should be brought forward before a draft had been circulated in every district which had accepted English rule, and time had been given for petitioning. No Act affecting Maori land tenure should be brought into operation until

the Royal Assent had been obtained and notified in the colony. The Public Works Lands Act and Outlying Districts Act should not be brought into operation. The latter might be tyrannically abused. When a supposed criminal had not been surrendered, lands could be seized. "Could this appear to the natives anything but a device for getting land?" Under the former, land could be taken for public purposes without compliance with the equitable provisions which in England were a security against wrong. Mr. Russell "regretted much to find his views opposed to some of those of so good and able a man as Sir W. Martin;" Sir G. Grey lauded the humanity of public men in dealing with Maori rights; Mr. Cardwell declined to assume the responsibility of desiring that all Acts affecting the natives should be reserved for the Queen's pleasure, and Sir William Martin's paper was entombed in Blue Books. While Mr. Cardwell was in Downing-street, there might be hope of justice. In October, 1865, he had written that native affairs were "not placed in the hands of the local government in any other sense than that in which the affairs of the settlers themselves are so placed, and that in cases touching the honour or interests of the Crown, the adherence to treaties entered into by Her Majesty, and other matters of an analogous kind, the Royal power of disallowing Acts is no more abandoned in the one case than the other." But who could guarantee Mr. Cardwell's continuance in office? He had succeeded a Newcastle, and might give way to a Buckingham or a Granville. The New Zealand Settlements Act was again dealt with. Amended in 1864, it still displeased Mr. Cardwell, who, though he abstained from causing inconvenience by immediate disallowance, and trusted to the Governor's discretion in administration, considered the Act of 1864 unsatisfactory, and held the power of disallowance in case of need. He desired that the compensation to be given to dispossessed natives should depend on judicial decisions, and be independent of the concurrence of political advisers "reflecting the popular opinion of the moment." The renewal of 1865 made the Act perpetual, but fixed the 3rd Dec., 1867, as the time when the power of the Governor to proclaim districts, and reserve for settlement lands forfeited for insurrection,

should cease. The Native Lands Act was hailed by Mr. Cardwell with pleasure. The Outlying Districts Act and the Amended Settlements Act were not disallowed at once; but as they were capable of abuse, the power of disallowance was held available. On the general tendency of the legislation on Maori interests, Mr. Cardwell warmly congratulated the colony.

Early in the session (9th Aug.), Mr. Graham presented a petition from Waharoa, praying that a Commissioner might be appointed to investigate the cause of the war. Waharoa's words were heard.

"Mr. Fox and his friends have written to Queen Victoria words damaging to my reputation, hence my desire that the whole matter may be seen into, so that it may be found who is right, and who it is that is wrong. Let it be for the law to determine. I agree that some Englishman be appointed as arbitrator—that is to say, if he is an Englishman of good principles, single-hearted, God-fearing, and fearful of doing wrong. I consent to point out an arbitrator." He would name Sir George Arney, the English Chief Justice. He would abide by the arbitration of any one chosen by the Queen. He recited his efforts for peace. "Did the law protect Te Rangitake and Waitara? Did a law protect us, our lands and property, at that time? Were the Europeans whom the Governor sent to this island—Europeans who drink spirits, curse, speak evilly, who make light of those in authority,—were these a law? Then did I say—Let me set up my king, for we do not approve of the law. But now, O friends, the law of the Queen is the law to protect my king and the whole people also. . . ."

Sixteen members voted against the reception of a letter called a petition written by Te Waharoa, in April, before his submission. In it he denounced the conduct of the war. "Look also,—Maoris have been burnt alive in their dwelling-houses."[58] From a Maori point of view, he argued that the war in Waikato was unjust. There was personal respect for him, and something had been gained by the cessation of violence. Amongst other proofs of confidence, returns were laid before the Assembly, showing that the number of grants from the Crown to Maoris was rapidly increasing. More than a hundred were in course of preparation at Canterbury alone. It was but a beginning; nevertheless, with kindness on the part of the government, much might flow from it.

A complicated dispute about land at Manawatu was vainly thought settled to the satisfaction of the natives. The

[58] At Rangiaohia. See above p. 283.

Ngatiraukawa and Rangitane tribes on one side, the Ngatiapa on the other, had almost been at war. Dr. Featherston interposed, and battle was averted in 1865, but the dispute was to cause future trouble. On the 9th August, Mr. Fitzgerald presented a petition from natives at Otaki. They hailed a suggestion made to them by him, and asked that Maoris might sit in the General Assembly. Subsequently the same tribe petitioned that the Maoris might elect representatives to sit on the Commission to be appointed under the Native Commission Act. Mr. G. Graham vainly strove to confer the elective franchise on Maoris. Mr. Fitzgerald had at the time a notice on the table to provide for special Maori government in the northern districts, but the House was satisfied with neither proposal. Mr. Vogel became the mouthpiece of malcontents, and moved (12th Sept.), that the House had no confidence in the Native Minister (who was thus attracting the goodwill of Maoris), but the motion was negatived without a division. After the retirement of the Weld ministry, in October, another proposal by Mr. Vogel was brought forward. Each province was to preserve order, subdue its own Maoris, and "enjoy the proceeds of the confiscated lands" it might take from the natives. After discussion this premium upon pillage was withdrawn.

When (2nd Sept.) the proclamation of peace was issued, Mr. Colenso carried (27th Sept.) a motion condemning omissions from the list of the unpardoned; but on the following day the resolution was rescinded on the motion of Mr. Weld. The Prince's-street reserve at Dunedin was the occasion of his losing friends. He had advocated justice. He was warned that he would lose supporters, and he lost them. When Mr. Fitzgerald tried to introduce a bill to authorize suitable government in Maori provinces in the Northern Island, the question was shelved for six months, and the government was evidently failing in strength. Fox had resigned his seat in May, declaring that it was useless to strive to do good while Sir G. Grey was Governor. But though freed from the opposition of Fox, the ministry was unsafe. Stafford was on the watch to overthrow it. Mr. Vogel, in September, on a motion adverse to the financial policy, had found supporters in objecting to fresh taxation

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until a new Parliament could be convened. He said in a pamphlet, that New Zealand "traded on its weakness in asking England for help." The "Wellington Independent" called his statement "a slander worthy of its author." The propositions of the Treasurer, Mr. Fitzherbert, involved an expenditure of more than £1,500,000. Increase of Customs duties and imposition of Stamp duties were asked for. It was proposed to repeal the Surplus Revenue Act of 1858, under which sums were disbursed to the provinces, and to give aid, if at all, by annual votes. Each province enjoyed by law the whole of its territorial revenue. But to encroach on provincial privileges was dangerous, and murmurs loud and deep abounded among members. It was resolved to fight to the last against the encroachment. The strife culminated in October. The Surplus Revenue Repeal Bill awaited a second reading. The Stamp duties resolutions had (27th Sept.) been carried by a bare majority in a House of 42 members. The government referred them back (10th Oct.) to the Committee of Ways and Means, but only succeeded in doing so by the aid of the Speaker's casting-vote, in a House of 40 members. Provincial jealousy diminished the scanty adherents of Mr. Weld still more when (11th Oct.), on a motion by Mr. Vogel, "that in the distribution of the provincial revenue the Stamp duties be placed on the same footing as the Customs duties" (of which three-eighths fell to the share of the provinces), the Treasurer had only 16 supporters. Though the Speaker, on constitutional grounds, gave a casting-vote against a resolution which, without a recommendation from the Crown, appropriated revenue by anticipation, Mr. Weld accepted the result as a practical defeat. He had declared that the question was vital, and the division indicated an absence of "that hearty support which would alone justify" ministers in adhering to responsibility in a critical state of affairs, and which would guarantee success in their "policy of self-reliance and self-defence." To the Governor he expressed their "deep sense of the cordial co-operation always afforded them during their term of office." In the name of the provinces, which he was afterwards to be the chief means of destroying, Mr. Vogel extinguished Mr. Weld. But as yet he was pulling

chestnuts out of the fire for others. Stafford carried off the spoils. Mr. Weld's friends vainly entreated him to remain in office. Public meetings were held, and there was general discontent at the prospect of a Stafford administration. Some to whom he applied for assistance declined to serve with him, and he was fain to patch up a ministry in which he held three offices, while Messrs. Haultain, A. H. Russell, and J. Paterson held the remainder. The representatives deemed themselves entrapped into sanctioning an administration controlled by Mr. Stafford.

Mr. Weld, though in ill-health, addressed the electors at Christchurch. The Town Hall was crowded to excess. It was resolved that he was the most fit person to represent Christchurch. He accepted the invitation, and wrote a farewell address to his constituents at Cheviot. But in January his medical advisers forbade a continuance in public life; and hoping that his "errors of judgment or temper might be forgiven," and fervently thanking his friends, to whom he confidently left the trust of his political honour, and the triumph of his principles, he passed from the parliamentary arena of New Zealand. His policy elicited compliments from the London "Times" and from public men. Mr. Cardwell (Dec., 1865) specially impressed upon Sir G. Grey that the Home government having accepted that policy as embodied in the New Zealand resolutions of Dec., 1864, intended to adhere to it. When his despatch was published, the "Canterbury Press" (25th April) declared that the deserted Mr. Weld was stronger than his treacherous supporters—"he is driven from office but carries his policy. Mr. Stafford holds office but abandons his policy; all that he opposed is carried; all that he proposed is abandoned." Mr. Fitzgerald also disappeared from New Zealand Cabinets. A letter from him to Sir C. Adderley[59] may properly be cited:—

"I venture to think that during the two months I held office the colony has asserted some of the most important principles which lay down fixed bases for the guidance of our future policy. A bill for enabling the Governor to appoint a Commission of Natives and Europeans to inquire how the natives may best be represented in the General Assembly shows how widely the feeling of the colony has changed since 1862, when, amid general laughter, I first proposed the adoption of this principle. A bill of

[59] London "Times," 20th Dec., 1865.

still greater importance has declared that all Maoris are British subjects, entitled to all the privileges and protection of British law; and as a great practical result, it enables a Maori to bring an action into the Supreme Court in respect to native lands. The monstrous doctrine that the Maoris were compelled to obey the law, and could be tried and executed by our courts for crime, while at the same time we refused them the assistance of our courts to defend their property, is now, thank God, for ever[60] expunged from the jurisprudence of this colony. We have, then, constructed an elaborate machinery for trying cases of native title to land by a Native Lands Court, and enabled the Supreme Court to use this machinery by sending down cases to it for trial. . . . These are measures which I am very glad to have had some share in during the short time I have been in office, and which, if faithfully carried into action, will, I believe, change the whole features of the Maori question."

Men who carried such measures had a right to exult in the change. The student of history must remember that Sir William Martin, who was consulted in their preparation, pleaded vainly for some such measures in the past. Mr. Fitzgerald did not retire from the political arena. He stood for Christchurch, and vigorously assailed Mr. Stafford's ministry. He spoke of the Waitara war. He had never differed from Mr. Weld except on that question. He had "distinctly one view, and I took distinctly the other. I devoted myself with no ordinary amount of labour to master that great question; for I saw that it was the great question of New Zealand. . . . I read and studied every paper . . . and I came to the conclusion . . . the more honest that it involved a separation from those whose opinions I valued more than those of any men in the colony . . . that the Waitara purchase was a bad one; and secondly, that even if it were a good purchase it was one for which it was extremely unwise to plunge the colony into war."[61] The meeting resolved unanimously to send "the first orator of New Zealand" to the Assembly.

Mr. Stafford's course was troublous when he took office. Rumours were rife that he had obtained a promise of a dissolution, whether supplies were granted or not. Questions were asked, and Stafford replied that "No proposal

[60] Mr. Fitzgerald can hardly be blamed for not foreseeing the wrongs done by the New Zealand government in 1881-2.

[61] Mr. Fitzgerald said: (Had our Native Lands Acts been) "law during the Waitara purchase—if Te Rangitake could have gone to the Supreme Court to try his case, there would have been no need of war. We should have saved millions of money." (The meeting cheered him.) But the lives!

was ever made by Mr. Stafford to his Excellency to dissolve the Parliament before the supplies were asked for." Thereupon a statement from Mr. Pharazyn was produced, declaring that after he had positively refused to accept office, Mr. Stafford said, "he wished it to be generally known that under no circumstances could the House turn him out, as in the event of a refusal to grant supplies, he had the power of dissolving without this having been done, and was determined to use it and appeal to the country. He did not wish to use this as a threat, and it would be highly improper to make the statement in the House, but he wished Mr. Pharazyn to make his determination known, in order to prevent factious opposition." The statement was entered in the Journals, and communicated to the Governor, as materially affecting "the principles upon which the government of the colony is established." Indignation was fruitless. Unprepared for consequences, the members who deserted Mr. Weld in haste were compelled to repent at leisure, and Mr. Stafford was master of the situation when the Assembly was prorogued on the 30th Oct.

Separation of the islands into two colonies had been seriously discussed. In the Council it was resolved (in September while the Weld ministry was in office) without a division, that the "colony should remain one and unundivided." In the other House Mr. T. Russell (a member of the Whitaker-Fox ministry in 1863) moved that existing liabilities should be equitably adjusted, and Cook's Strait be made a boundary between two separate colonies. Mr. Weld, Mr. Fitzherbert, and others opposed, and after repeated adjournments, the motion was rejected by 31 votes against 17. There was feeling out of doors on the subject. From Auckland a petition to the Queen, signed by nearly all the European settlers, had prayed that a separate colony might be created there. The Weld ministry opposed the project, and sent a counter petition from Hawke's Bay, where the inhabitants unanimously differed [illegible] their Auckland brethren. The north was ill-pl[illegible] results of the session of 1865. The Provinc[illegible] tested against the new Electoral Act [illegible] to the south. Auckland prayed [illegible] be subject to southern legisla[illegible]

were "practically not liable to military service," not exposed to danger, and being "ignorant of native affairs," might afflict the north with war. Mr. Whitaker, elected Superintendent of the province in 1866, sent a special petition to the Queen at a later date, but Mr. Stafford was as hostile as his predecessor, and Mr. Cardwell held out no hope to the Provincial Council. Auckland was like a lamb remitted to question with the wolf. No folly is more conspicuous than his who thinks that power over other men's fortunes will willingly be resigned. Yet men continually hug the belief that they can hoodwink crowds, and seduce them into acts which would be like loosening the fangs of a wild beast. The north was powerless. But the south was only entering upon the heritage which numbers gave it. It complained that it was dragged behind the car of Auckland necessities. In an elaborate address to his Dunedin constituents in 1866, Major Richardson (Mr. Weld's recent colleague) declared: "The fact is that the south has been bound over hand and foot to colonize Auckland." The expectant south had not long to wait.

The Hokitika goldfields had been discovered early in 1865. The sceptre was passing into the hands of the gold-seeking adventurers, who had flocked from Australia to the Middle Island; and already one of them was scenting his prey, although Mr. Stafford had not included him amongst his colleagues in 1865.[62] There was a "Northern Association of New Zealand" committee in London which strove to strengthen the hands of the Auckland secessionists; but Mr. Cardwell gave them no heed except by rebuking their vehemence. Mr. Stafford had not allowed the session to close without laying down principles to control the Auckland territory. As adopted finally they asserted that, subject to

[62] Mr. Vogel, in Dec., 1865, proposed a characteristic plan for dealing with "the magnificent land acquired from the natives;" viz., to submit to a lottery a million of acres, valued at £2 an acre. There were to be 6121 lots, varying from one of 100,000 acres to 4200 of 50 acres. The profits of the raffle were to be expended on immigration, and 18,870 steerage and 170 cabin passengers were expected. "Winners of land not using their privileges" within a time to be stated were to forfeit them. Though the plan reeked of an atmosphere to be found between Shoreditch and Whitechapel, the immigrants were to be moral, the "settlements model," and no difficulties were anticipated with Maoris.

conditions, the confiscated lands of the province should be transferred to the provincial administration for purposes of colonization. The government retained control in settling the loyal natives, and those who might "desire to accept the Queen's authority and take grants from the Crown." The province was to be liable for all sums expended for its advantage under the New Zealand Settlements Act. After discharging such liabilities, the province was to pay to the general government, out of the proceeds of confiscated lands, 2s. 6d. per acre, and was to provide all compensation awarded to natives (by the Compensation Court) under the Settlements Act, or required to compensate Auckland settlers for losses in the war. Further, the province was, after recouping the sums spent by the government on military colonization and Waikato immigration, to "engage to spend" the whole of the receipts "from confiscated lands in colonizing and otherwise for the general advantage of the confiscated districts." Auckland did not accept these terms without negotiation. In January, Mr. Whitaker extracted from Stafford a promise to invite the General Assembly to raise £250,000 as a loan to enable the province to undertake the cost of colonizing the confiscated lands, and the Provincial Council, on the recommendation of Whitaker (Feb., 1866), concurred with the proposed terms.

The Upper House had (25th Oct., 1865), in spite of ministerial opposition, remonstrated against the retention of Imperial troops at the rate of pay (£40 per man) required. A colonial force would be more effective, and Great Britain would be relieved from useless expenditure. Mr. Stafford was unwilling to attach importance to the remonstrance. He assumed a virtue in not having, by new creations, swamped the majority in the Council. A Representative Bill had been passed, a new Parliament was to be assembled, and he submitted to the Governor that all the arrangements which he found in operation on accepting office ought to remain undisturbed. He declared that the colony was as incapable of raising the force contemplated by Mr. Weld as it was of paying the "£40 a head demanded in respect of the Imperial troops," and his declaration was transmitted to England to intimate that the colonial contribution would be made a matter of dispute. The work of the

troops was done. They had conquered the Maoris, and could be dispensed with. The "Wellington Independent" (18th Nov., 1865) said:—"Mr. Stafford's policy is to back up the Governor in keeping the Imperial troops as long as possible, and ultimately to refuse to pay for their services." When Mr. Stafford took office the return of one regiment had been arranged, and four others were sent away at intervals in 1866. Despatches from England complained of the delay. Early in 1866 the current of thought in New Zealand concerned itself chiefly with correspondence about the withdrawal of troops and financial affairs. War was virtually at an end, but the resources of the colony were drained. The withdrawal of the troops would diminish the private gains which accompany the supply of provisions and stores. The quarrel between the Governor and the General still furnished occupation for talkers, and filled reams of despatches. Till the new Parliament assembled in June, 1866, all minds were intent mainly on these topics. In January, Mr. Stafford elaborately described the state of the colony. The ordinary revenue from all sources was £738,000.[63] The estimated expenditure was £1,121,000 for the year. Native wars were responsible for £3,396,000. The balance due to the Imperial Government was estimated at £503,000. The sums due for advances from the commissariat chest were large, and there was a dispute as to the amount. There were counterclaims for advances from the Colonial Treasury for Imperial purposes. On the suggestion of the Treasury, Mr. Cardwell advised that an officer should be appointed in the colony to examine the accounts with the Commissary-General, Mr. Jones. To the assumption that the £500,000 in colonial debentures could be handed at par to the Imperial Treasury, Mr. Cardwell would not agree. The debentures were in the market "at a discount of nearly 20 per cent." When Mr. Cardwell (Nov., 1865) received the peace proclamation of September, and the financial statement of Mr. Fitzherbert indicating that the capitation charge of £40 for each soldier would not be proposed to the Assembly, it was at once ordered that the troops in the colony should be reduced to three

[63] Only sums exceeding £1000 are included in these figures.

battalions of infantry and one battery of artillery, and they were only to remain on request of the colonial ministry and provision for the local capitation charge. They were not to be employed in protecting land taken from rebels, nor to be left in distant and isolated posts. The correspondence respecting the Weraroa pah and General Cameron exacerbated the instructions on the removal of troops; and when in the end of 1866 the Earl of Carnarvon endeavoured to intimidate the Governor, the confusion became worse confounded.

Among the matters for which Mr. Weld's government took credit in the session of 1864 and 1865, was the arrangement of terms for conveyance of mails by Panama. Jealousy has sometimes beset the Australian colonies on this subject. Instead of determining that mails from Europe shall be brought by that which is, on the whole, the most regular and economical conveyance, they have vexed themselves and authorities in England by struggling to fix the terminus at their own doors. For New Zealand there was some excuse, as her easterly position made it probable that letters carried through America from England would arrive more speedily than by way of Suez. Mr. Weld incurred disfavour at Auckland by fixing the port of call at Wellington, but he gained approval at Otago which was brought closer to the coveted privilege.

Early in 1866 writs for a general election were issued by the Governor. Notable names reappeared among the three-score-and-ten members, on the 30th June. Sir David Monro, member for Cheviot, again became Speaker. The questions of war and finance pervaded the Governor's speech. Disturbance was almost at an end. Some of the ringleaders captured had been "temporarily removed, in 1866, to the Chatham Islands," and "hope of return was held out to them as soon as the suppression of the rebellion and their own good conduct might seem to justify the government in restoring them to their homes."[64] The

[64] Speech of Native Minister (A. H. Russell) in Legislative Council, 26th July, 1866. Colonel Russell in the same speech declared that he desired to call to the Legislative Council three "leading chiefs," and to pass a bill "granting to the Maoris six representatives in the other House;" but in August he ceased to be a member of the Stafford ministry.

troops were in course of removal, and there were districts for which the Assembly would have to provide a force to maintain authority. The tariff was to be revised, and stamp duties—the test which had been fatal to Mr. Weld—were to be imposed. New members had been appointed in the Legislative Council, which was thereby enlarged to thirty-five members. With few amendments in the Council, and none in the Lower House, the friends of the ministry carried addresses in reply to the Governor's speech, and Mr. Stafford was firmly seated if not entirely trusted. His manœuvres in 1865, and his assumption of virtue in not having overborne, by new creations, the majority in the Council, were not forgotten. Colonel Whitmore carried a resolution that the number of members in the Council ought not to exceed thirty-eight, with a proviso that once, nevertheless, during a session two additional members might be appointed to represent a government. Subsequent vacancies by death or otherwise were not to be filled up, except to maintain the normal number. A bill was passed and sent to the other House, where it was strangled in committee. A ludicrous proposition was made by Mr. Vogel, viz., that after repeated disagreement about a measure, the Governor might summon to the Council the representatives, who were to be competent to pass the disputed measure—but to be otherwise powerless when seated amongst their victims.

It may be assumed as a fact, recurring with almost the regularity of physical laws, that inferior minds in one house will view with disfavour whatever tends to strengthen the position of the other. As the power of the purse itself gives predominance, and as it is, in all imitations of the British Parliament, placed chiefly in the hands of the House which most largely represents ignorance, it follows, almost as night the day, that the power will be sought to be abused, if not converted into tyranny. In quiet times the salutary influence of a Governor may secure serious consideration in appointing senators for life. When pressure comes he cannot, without locking the wheels of the state chariot, bring influence to bear. It is better without doubt to lock the wheels than to allow the chariot to fall over a precipice.

There was warrant for Colonel Whitmore's caution. Already Sir John Young (afterwards Lord Lisgar) had, in 1861, consented to overbear the Legislative Council in Sydney by a wholesale creation of members. Circumstances over which neither he nor his ministers had control thwarted his disorderly procedure, but the act attempted in New South Wales had been bruited in New Zealand, and it was natural that securities should be demanded against similar violence. That they could not, even in placid times of legislation, be obtained, furnished a warning to all who are inclined in weak moments to subject themselves to the possible tyranny of others.

Mr. Stafford was not confronted by serious opposition in the Council; but (15th Aug.) the Representatives, by 47 votes against 14, resolved (on the motion of Mr. Moorhouse, member for Westland) that his ministry did not possess their confidence. He was less sensitive than his predecessor, and being again entrusted with the task of forming a ministry, resorted to the device of securing Mr. Fitzherbert as Treasurer (24th Aug., 1866). Nor was Mr. Weld's Treasurer the only one of Mr. Weld's colleagues who enlisted under Stafford. Major J. L. C. Richardson and Mr. J. C. Richmond accompanied him in his return to the mixed ministry which Mr. Stafford thus created. A former colleague of Mr. Weld was still discontented with the guidance of Mr. Stafford. Mr. Fitzgerald moved resolutions (24th Sept.) which, while reaffirming the resolutions of Dec., 1864, on the duty of the colony as to internal defence, declared that the whole of the military should be under the control of the civil government, and that its duties ought not to be measured by the amount of military force which the Home government might choose to maintain in the colony. Mr. Stafford having added words to the effect that the House was prepared "to provide sufficient means for defence" (suggesting at the same time that it "would be better to shelve the resolutions altogether"), the resolutions were shelved by 30 votes against 21, the government voting in the minority, while Mr. Whitaker, Dr. Featherston, and Mr. Crosbie Ward were in the majority.

It was no Pharaoh who had bound the colonists to their work; but it was not easier because self-imposed. They

[illegible] assumed to make bricks without straw, and were [illegible] their task. Thus it was that they could not speak [illegible] on Mr. Fitzgerald's resolution. Similarly, when Whitaker, earlier in the session, proposed resolutions for remodelling the government of Auckland, the Representatives went into committee upon them, and went out again agreeing upon nothing. After a week of futile discussion the Speaker resumed the chair.

Two financial statements were made within one month. Mr. Jollie, who had become Treasurer in June, made a statement on the 8th August. Mr. Fitzherbert, having re-assumed the control of the Treasury, made (5th Sept.) his financial statement. Some reduction of expenditure was proposed, and the maintenance of armed constabulary rather than a rudimentary army was declared to be the policy of the reconstructed government. Mr. Fitzherbert did not propose to deal in 1866 with his former stumbling-block—the Surplus Revenue Act—but hinted that in a future session the partnership in revenue between the general and provincial governments would require to be dealt with. The provincial share (three-eighths) of the Customs revenue was estimated at £318,750. A Stamp Duties Bill was passed, and was expected to produce £50,000 a year.

The confiscated lands were made a subject of inquiry on the motion of Colonel Haultain, the Minister for Colonial Defence. A Select Committee reported that in Taranaki, 1,144,300 acres; in Wellington, 200,000 acres; in Auckland, 1,911,437 acres, had been confiscated. At Opotiki, though 480,000 acres had been seized, about half was to be restored to the Maoris, of whom about half had remained loyal; and, deducting 25,000 acres for military settlers, and assuming much to be unavailable for settlement, there would remain about 25,000 acres of choice land to be disposed of.[65]

[65] In 1867 a return showed that 87,000 acres at Opotiki were given to the Arawa who had fought for the government. The Crown Agent reported of 58,000 acres—"Act not enforced." Of 96,000 acres "given back to rebels," he said: "The giving back is but nominal, for the natives would not have given it up. But I was required to make the best arrangement I could." The balance in the hands of the Government in June, 1867, was 151,000 acres.—N.Z. P. P. 1867; A. No. 18. In the same return Mr.

The Ulysses of the Maoris kept faith with the Governor. The promise made at Hamilton by Waharoa was redeemed. Sir G. Grey enabled him to appear without ignominy, for he arrived at Wellington as a guest on board of H.M.S. "Esk," prepared to give information on Maori affairs. On the 10th Aug., Mr. Fitzgerald presented to the Representatives a petition from him. They referred it to a committee, consisting of Colonel Haultain, Mr. Whitaker, Mr. McLean, Mr. J. C. Richmond, Dr. Featherston, Mr. Dillon Bell, Mr. G. Graham, and Mr. Fitzgerald. The petition was long. The writer had been dwelling "at his place—great darkness and sorrow of heart,"—brooding over the woes of his country. The Governor had made soul and body rejoice by advising recourse to the Parliament, which had power to lift an exceeding great weight. Two wants caused anxiety:—

"1. That some measure be devised to straighten those curvatures, by reason of which we all fell into error. 2. For Waikato to be given back to me." He dilated on the first, recounting the evils which brought about and continued the wars. He had throughout sought peace, and condemned savage practices. But, "O friends, because of this did I fully consent to the fighting; because of my women and children having been burnt alive in the fire,[66] which was suffered, rather than the edge of the sword, to consume their flesh. I would not have regarded it had it been only the men." For himself, since first "we embraced Christianity, when my tribe sought (utu) payment for our dead who had fallen, I did not give my consent. Then I said, 'Stop; strive to repay in a Christian manner. Let peaceful living be the payment for my dead.' They consented. I then drew all my enemies to me: they all came, not one continued a stranger to me, but all became related to me in the bonds of Christian fellowship. Then I said, "What a good payment (utu) this is for those that are dead, this living peacefully.'" The king movement had fostered peace among Maoris, and therefore he had supported it. "Follow, O Assembly, after me, and measure my steps from the beginning up to the present day. Weigh also my words from the first until now, for everything is weighed; articles of food are weighed, and clothing is sold by measure. Land is also meted out, and should the mind of man not be weighed? Will it not be measured to discover its weight and dimensions?"

He gave evidence, and the committee recommended that his petition should be referred to the Superintendent of the

Parris reported that to Te Rangitake 25 acres had been restored in the Waitara township. In the Taranaki district loyal natives had received 134,000 acres; military settlers, 106,000; rebel natives, 33,000. Returns showed that in 1864 more than 130,000 acres were sold in Wellington, nearly 60,000 in Hawke's Bay, a like number in Auckland, and at Taranaki none.

[66] See above, pp. 283, 438.

Auckland province. On other Maori petitions also they reported with some kindliness. Wi Tako, to whom the colonists owed so much, was a petitioner on the subject of a Compensation Court decision.

The vain striving of an aboriginal race against the vices which accompany European civilization found a faint echo in a petition from six members of the Arawa tribe, who prayed "that a house for the sale of spirituous liquors might not be suffered to be established within the Arawa territories." The effort to confer electoral privileges and representation on the Maoris found no record in the Statute-book of 1866, although some earnest-minded persons laboured to bring about a consummation so devoutly to be desired as the acceptance by the natives of the rights of British subjects after they had been deprived at the point of the bayonet of their own. But the Assembly was not idle. In three months no less than 92 Acts were passed. The Settlements Act was again amended. The Native Lands Act of 1865 was supplemented. Waste Lands Acts for Otago, Canterbury, and Auckland gave powers to the provinces in dealing with lands. Various enactments dealt with Treasury bills, and with provincial debts. The Wellington Land Purchase Loan Sanction Act sanctioned a loan to the Wellington province to enable it to purchase from Maoris, at a cost of £25,000, blocks of land, including the Manawatu block, the titles to which had long been disputed. Goldfields, civil service, distillation, carriers, innkeepers, oyster fisheries, registration of electors, and various other persons and subjects furnished titles of Acts, some of which, as usual in self-governing colonies, were almost verbal transcripts of Imperial statutes.

Te Waharoa, after his long estrangement, must have pondered long over the restless activity of the members of that which his countrymen had called "the English Committee." No subject seemed too large for its power, nothing too small for its notice. With English blood and treasure, and the help of native allies, the hostile Maoris had been put down. The thoughtful chieftain must have speculated whether the repugnance to tradition and rude want of reverence, which characterized the Representatives,

might not in the end lead them to trample on the authority of the Queen. Already some of the early servants of the voracious New Zealand Company had been in power. One of them, Fox, had been chief minister in 1861, and in 1863, with a fellow-lawyer, Whitaker, had made demands of confiscation which the exile of whole tribes would not have satiated. Then the Governor and Mr. Cardwell had compelled Mr. Fox to yield; but in 1866 a new order of things had arisen. Stafford, the head of the ministry which brought about the great injustice at Waitara, was again in power. The enemies of the Maori seemed ever able to crawl into office. In published despatches and speeches in England it had been confessed that Her Majesty's ministers disapproved of much of the confiscation policy which they shrunk from restraining. Te Waharoa was familiar with Scripture, and was now brought face to face with a rod which was thus swallowing up its opponents. Old Maoria was passing away. The "korero" of tribes had ceased to be a power in the land. The Parliament of the Pakeha had become, if not an object of respect, an irresistible engine for good or evil. Te Waharoa went back to his own place, whither most of his tribe had been permitted to return, and died in a few months. His friends said he was broken-hearted. His detractors looked upon his death only as the fall of a leaf from the tree which civilization was with propriety destroying. Honourable, kind, peaceful, and Christian, he had yearned for the happiness of his people. He had striven with equal honesty against the inexorable Rewi and the machinations and injustice of colonial ministers. He had been maligned on both sides. After Rangiriri he had laboured for peace. In Maori manner, he sent the General a token of submission—his mere. But for the vanity of Mr. Fox, perhaps peace might then have been secured. When General Cameron's overwhelming forces marched up the valley of the Waikato, the baffled king-maker retreated from stronghold to stronghold, finding no refuge, and bitterly complaining that professing Christians burned women and children in Maori whares at Rangiaohia. "Leave it to be for England," he said, "to adopt the putrefactions of my ancestors, viz., killing women and

[illegible] ...ning people alive in their sleeping-houses. [illegible] assented to me and what I said to them." [illegible] he could see a way of reconciliation. [illegible] of the Hau Hau fanatics to the wild orgies [illegible] ...mbaham was both a cruelty and a rite was [illegible] by his submission.

[illegible] did what he could to smooth the way for [illegible] ...dings of his death caused one of those kindly [illegible] ...h have touched many hearts:

> [illegible] ...sures that his tribe may be made aware that she laments [illegible] they have sustained. She hopes that the example of his [illegible] the wise advice which he has bequeathed to them, will [illegible] ...get the contest which is past, and to unite with their [illegible] subjects in those peaceful pursuits which will best ensure [illegible] and improvement, and promote the prosperity of their [illegible]"

Such a message was worthy to be the chieftain's epitaph. The friend of mankind will part with the noble career of Te Waharoa with admiration and regret. Amongst the many [illegible] in stirring times, on him no reproach could be cast. From the time when, as Tarapipipi, in 1844, he enforced [illegible] at Remuera, until he died, he is seen as the embodiment of Christian virtue in a Maori nobleman. He [illegible] to redress his country's wrongs; but it may be that success was impossible. After the Duke of Newcastle sanctioned the robbery at Waitara, it could hardly be expected. Te Waharoa's example, nevertheless, justified the grant of representation of the Maori race, which Sir G. Grey lived to see accomplished, albeit scantily, in 1867. The enemies of Te Waharoa strove to assail his character by citing the letter in which he announced that the invasion of Waikato compelled him to arm in self-defence, and by asserting that he subsequently joined the Hau Hau fanaticism. His letter seemed to imply that he would not spare the unarmed; but no deed of his conformed to the letter. On the contrary, wherever his influence was great, chivalrous courtesy to the wounded, as at the Gate Pah, prevailed. Mr. Sewell wrote (1864) that he had been assured by Archdeacon Brown that the expression in the letter was "idiomatic, and that the meaning intended to be conveyed was this: "I have determined to join the war [illegible] am going to fight. The native practice in war is

to spare neither unarmed people nor property. You therefore are in danger, and I warn you to go.'" During Waharoa's last illness no Pai Marire ceremony was tolerated near him. He ever carried with him his Bible; and while he had strength he read it. When moved from place to place, his tribe as they raised him prayed thus: "Almighty God, we beseech Thee to give strength to Te Waharoa while we remove him from this place. If it please Thee, restore him again to perfect strength. If that is not Thy will, take him, we beseech Thee, to Heaven." In fine, when Te Oriori asked, "What shall I do, and the Maoris, your children, when you are dead?" the dying chief, with the Bible in his hand, replied: "You must stand by the government and the law; if there be any evil in the land, the law will make it right." It could not be said that his peaceful professions were born of weakness. He had ever shown the same tendency. His father, though he invited missionaries to his territory, abandoned none of the ferocity of the national cult. But it was otherwise with the future king-maker. He had no love for the ways of his ancestors, and grieved his father by shrinking from them. When a missionary was robbed, he followed the robbers, stripped them of their booty, and gave it back to the owner. When he was baptized he declared that he would no more join in war, and he resisted the entreaties of the wilder spirits, who pressed him to lead them in battle. At a great meeting he harangued them with the New Testament in his hand, and his counsels then prevailed. But he did not convert them all, and established for his Christian brethren a separate pah, where 400 assembled. On one of the posts of the chapel was a code of regulations in his handwriting for the government of his Christian community. His determination not to go to war was pursued, through evil report and good report, until General Cameron crossed the Maungatawhiri. "I am now absolved from my promise," he said, "for this is a war of defence." It is vain to wish that all English Secretaries of State, Governors, and Colonial Ministers had had the earnest piety and sense of justice which finally enabled Te Waharoa to stand before his Maker as a good man who had run his course faithfully in the troublous career forced upon him by the crimes of others.

The New Zealand government, in 1866, while deprecating the attitude of the troops, expressed a high sense of the value of the naval force. In October, a unanimous vote of thanks to the retiring Commodore was passed by the House, echoed by the ministry, and applauded by the Governor.

The reports of the Commissary-General in the end of 1866 fanned the flames of discontent with the General's arrangements. He condemned the use of troops in defending confiscated lands, and urged the withdrawal of Imperial aid. As usual, there were volumes of despatches and counter-despatches. Secretaries of State were never tired of repeating that the troops should be withdrawn, and Stafford (16th May, 1867) declared that the ministry acquiesced in the withdrawal, because the military had been perverted into instruments for defaming the character of the colony, and the commanding officer had been made independent of the constitutional control of the Governor. Even the withdrawal, however, had been effected "in a manner calculated still further to engender animosity, to inspire the disloyal natives with revived hopes, and the loyal with distrust." To such a pass had the land of the Maoris been brought by subjecting them to the caprice of the heirs of the New Zealand Company.

Rumours were rife about the tribes in Oct., 1866. In March a letter to the Queen, purporting to emanate from the Maori king, had been transmitted through the hands of a chaplain to the forces. It asked that "a great judge from England" might be sent to put an end to strife. Lord Carnarvon's intimation that petitioners must send their prayer through the Governor would have fallen on disappointed ears if it had reached New Zealand before the Hau Hau outbreaks of the spring of 1866. At Napier, armed Hau Haus were encamped (Oct. 1866) at Omaranui, a few miles from the settlement. They had made no hostile demonstration, but Donald McLean, Superintendent of Hawke's Bay, called upon them to surrender their arms and go to their homes. Having laid his plans with Colonel Whitmore, he told them that if they should refuse to surrender within an hour, they would be attacked. As the colonial forces outnumbered fourfold the number of the

presumed rebels, it might have been supposed that they would yield. They were surrounded by about 200 militia and volunteers, and a like number of Maoris. They were in an unfortified village. They said they thought the time, one hour, rather short. Colonel Whitmore, after two hours, told them he would wait no longer. They said "there was no reason to do so, as they meant to fight." They fought for nearly an hour and a-half. Their losses were considerable. When the majority surrendered, Nikora appeared to be the leader who induced them to do so. Seventy-six prisoners were taken, and the conqueror reported, "Nearly all the turbulent spirits are now killed or taken." The chiefs Tareha and Renata were conspicuous. "Tareha, with a sword alone in his hand, rushed among the enemy to stimulate his men." Nine only of the enemy were unaccounted for, and it was not known whether they were "dead in the swamp, where they had been heavily fired upon," or whether they had escaped. The peace of death had been enforced. Napier breathed freely. A newspaper declared the action "the most brilliant affair of this guerilla war." Lord Carnarvon upbraided Sir G. Grey for not informing him that a new guerilla war had broken out, and when told that the newspaper included the action as part of all New Zealand warfare, gracefully apologized in the House of Lords to the colonial ministry for his charges against Sir G. Grey. When an apology seems unavoidable there is exquisite ineptitude in making it to the wrong person. Major T. McDonnell on the west coast distinguished himself in a manner which at a later date demanded inquiry. He spoke Maori fluently. He was ordered in June to be vigorous in inducing (at Patea and Waingongoro) the surrender of the Hau Haus—the waifs and strays left by the army of General Chute. Mr. Parris was, through the agency of Te Ua (the repentant Hau Hau), labouring to procure their submission, but McDonnell repudiated diplomatic triumphs. He ordered that certain chiefs should wait upon him. They did not attend. In the depth of night (1st Aug., 1866) with a large force he surprised an undefended village at Pokaikai, scattering its inmates, some of whom, though women, were bayoneted. A Maori woman deposed that one of the attacking party seized

an ornament in her ear, and that when he could not tear it away he cut the ear with his knife and secured his booty. Her father and mother were shot. She was taken prisoner. She complained that it was wrong to attack the village while her husband, Natanahira, had gone to negotiate for peace with Mr. Parris. Major McDonnell said: "Who is Mr. Parris? I am the person with whom peace should be made." It was maintained by some, and denied by others, that some of the attacking force were drunk. Hori Kingi wrote to Sir G. Grey. Mr. Parris was at Wellington; Sir G. Grey asked if he would go at once to the district where the outrage had occurred. The ministers had an interview with Parris. He went to the district, and was not wholly unsuccessful, though some Maoris would not be persuaded. The words of the woman whose father and mother were shot explained the cause of Maori distrust. The attack was made at "night; at midnight when, the people were asleep. The sleep was the sleep of fools, for the words of the Governor, sent through Te Ua, had lulled us. My children were lying around me in fancied security." Subsequent treatment of the woman was not calculated to smooth the way to peace. McDonnell wrote to the Defence Minister: "This morning I released Natanahira's wife, and sent her to Otapawa with a letter to the rebels, telling them that if they did not immediately submit, I will carry fire and sword through the country, and give no rest by day or night. I have detained his child as a hostage." Such an agent was condemned by his own words, and a commission of inquiry was afterwards appointed.[67] McDonnell requested

[67] Some years afterwards Major McDonnell (who served as Colonel in 1867) published his own defence in pamphlet form. He stated that on the 3rd Aug. he "scoured the bush inland of Matutahi; found out and burnt two villages just located. . . . This brought the natives to their senses, and on the 4th Aug. they sent me a message suing for peace. . . ." On the 7th "I went into the bush with the native contingent, and met them at the site of a village named Ohangae, which had been burnt during General Chute's campaign. There we made peace. . . . That peace I could have firmly maintained even with the small force then under my command (he had previously applied for 500 more men), were it not for the suicidal course pursued by Mr. Commissioner Parris, to whose conduct must be attributed the subsequent hostility of the natives, and the frustration of all my plans. . . . All went on well, until in an evil hour, Mr. Parris, who had been to Wellington to earwig the government, appeared amongst us."

(31st July) that Parris might be "instructed to cease to communicate with the rebel natives," but the fumes of Pokaikai and other villages, and the treatment of Natanahira's wife, offended even Stafford's nostrils, and McDonnell was desired (8th Aug.) to conform to the instructions of Parris.

About the time when, in the east, the Hau Haus at Omaranui were crushed by Donald McLean and Col. Whitmore, McDonnell, on the west coast, inflicted loss upon the Ngatiruanui at Pungarehu. One of his reconnoitring parties had a skirmish at Ketemarae (2nd Sept.), and he resolved to build a redoubt at Waihi. On one occasion, within sight of the redoubt an ambuscade surprised a provision-cart, a trooper was killed, and the provisions were carried off before aid could be sent from the redoubt. McDonnell retaliated (6th Oct.) by surprising the village of Pungarehu, not far from the Waingongoro river. His force was about 130 in number, of whom one-third belonged to the native contingent. McDonnell reported:

"As we leapt the fences I called upon the inmates to surrender; they replied by heavy volleys from the doors and windows of the house. We returned the fire, and rushed to the fortified whares, scraped the earth off the roofs, and pulled down the slabs to fire at the inmates. In several instances they ran out of the doors, and firing their pieces into us, tried to escape into the bush, but were shot down. In half-an-hour we were masters of the position, and the firing ceased. . . . The loss of the enemy I estimate at thirty killed; twenty-one were counted, and others could not be counted, as they were buried in the burning ruins of the houses."

It is a relief to read that nine prisoners were taken. Three killed and four wounded formed McDonnell's loss. The escaped Maoris or some of their friends rallied in the forest and fired upon their enemies. McDonnell thought that superior reinforcements had arrived, and were striving to cut off his retreat. Rangihiwinui by flank-skirmishes foiled the attempt, and the destroying troopers left the scene of their exploit. In justifying it, Mr. Stafford said that such a mode of "warfare may not accord with war regulations, but it is one necessary and suited to local circumstances."

The Ngatiruanui hapu surprised at Pungarehu was that of Titokowaru and Toi. About a week afterwards a reinforcement of Maoris from Wanganui arrived in McDonnell's camp, and some of the enemy surrendered, saying that the

whole of their people would do so as soon as the subsidence of a freshet might enable them to cross the Waingongoro river. Toi himself, with 12 men, in a few days tendered his submission. McDonnell refused to receive the submission of less than the whole tribe, and told Toi to go away. Toi complied, but six of his people remained. One of them was Katene. He had done his best for his people, he said, and was weary of the war which was destroying them. By degrees his own hapu, to the number of 70, including women and children, joined him. Availing himself of Maori manners, McDonnell employed Katene as a guide and soldier. The Te Umu pah was destroyed, but scouts had given warning, and only two men were killed. A village named Popoia was to be attacked on the 18th Oct. Katene guided McDonnell's force to it during the night, and having reached the edge of the forest unseen, advised a halt till daylight, as it was unwise to penetrate the forest in the darkness. For a time his counsel was respected, but Captain W. McDonnell became impatient, and induced his brother officers to discard Katene's counsel. In single file the force advanced on the narrow track, and suddenly, flashing through the gloom, sheets of flame on front and right showed that the foe was on the watch. Captain McDonnell fell, severely wounded. The invaders knelt to avoid the bullets which flew over their heads. None sould see friend or foe. A retreat ensued. At dawn the force emerged from the forest and the enemy fired volleys from their shelter. The midnight attack upon Pungarehu had put the Maoris upon their guard.

Sir G. Grey visited the scene of action, and Major Rocke with some of his regiment (18th) on the 25th Oct. accompanied McDonnell's force. Again the enemy fired from an ambuscade, but the troops rushed forward, and Popoia was captured and burnt. One life was lost in the colonial force. Two Hau Haus were shot. McDonnell made a vain attempt (5th Nov.) to surprise a pah, Tirotiromoana. On the march it was noticed that Winiata, usually the foremost man, remained in the rear of his column. An officer asked the reason. He answered:—"I dreamed last night that I was leading the advance as usual, and was killed from an ambush. I felt the bullet; it went in at one

hip and out at the other." The march was continued. A deep ravine was crossed. As the advance-guard mounted the opposite hill a volley was fired from an ambuscade, and a private (Economedes, a Greek) fell dead. Winiata rushed forward to examine the wound. It was as he had dreamed. "Look," he shouted, "this man is killed by the bullet I dreamed of. This is the first time he has led. On all other occasions I have done so. My dream has saved my life."[68]

Other expeditions proved that Titokowaru's people had retired to various fastnesses. Some were at Te Ngaere, a settlement in the forest, surrounded by marshes which tradition said had once engulfed hundreds of invaders. McDonnell could do no more in the field. But the survey of the confiscated land was completed from Patea to Waingongoro, and "military settlers commenced to select their land. I also (McDonnell explained) selected my land in the district." The red hand of such a settler having prospered in the west, he was ordered by Mr. J. C. Richmond, then acting as Defence Minister, to proceed to Tauranga, and lead the Arawa against hostile Ngatiraukawa, not far from Rotorua. He was made Lieut.-Col. in the Auckland militia, and being again required at the west, where the surveying of land had been checked by resilient Hau Haus, he met a hapu of the Pakakohi tribe, amongst whom was Titokowaru. A display of bayonets glittering in the moonlight, and a warning that even McDonnell's "patience had a limit," secured a triumph, and the surveying was pushed on.

Meanwhile reproaches caused in England by tidings of the slaughter at Pokaikai and Pungarehu had reverberated to the colony. The Earl of Carnarvon[69] required official reports concerning events spoken of in newspapers. Stafford's explanation retorted that the "Imperial government has ignored the constitutional position of the Governor, and has in successive despatches displayed a sense of irritation and a proneness to take and give offence which are much to be deplored." . . . Had the "Imperial government been properly jealous of the honour of the persons against whom Colonel Weare's charges were made,

[68] "Reminiscences of the War in New Zealand," p. 139. Lieut. Gudgeon.
[69] Despatch, 28th Dec., 1866.

it would have insisted on a public investigation." This remonstrance reached the Duke of Buckingham's hands in May, 1867. In March, the Earl had quitted office rather than follow the inconsistencies of Mr. Disraeli. He did more. He protested against them in the face of the Earl of Derby. As it is agreeable to do justice to those who refuse to do it to others, this allusion to English politics is not unseemly. Among the Earl's latest despatches to New Zealand were some which reprehended the employment of regular troops in defending disputed or confiscated land. "The large confiscations which have taken place have been viewed with the greatest apprehension by Her Majesty's government," and, if to be held by force, should not be held by Her Majesty's troops.

His inquiry about Pokaikai produced some results. The Governor appointed (1868) a commission to inquire into "certain alleged acts of cruelty stated to have been committed" there. The conduct of the inquiry seemed to McDonnell "incredible." The charges had not been specified, and he had to find out from the "evidence what atrocities were being trumped up." The attempt to "drag the ornament out of the ear of a native woman," was proved, but McDonnell's witnesses denied that it succeeded, and it was sworn that the culprit, a volunteer, was placed under arrest by McDonnell. Two members of the commission, Mr. Cracroft Wilson and Mr. J. Cargill, drew up a report (Aug., 1868) highly favourable to McDonnell, and declaring "that no wanton outrage was committed by any member of the enrolled force." One member, Mr. George Graham, wróte: "I protest against this report." He declared that the attack on Pokaikai was unnecessary, and that by unjustly lulling the natives into security while intending to attack them, McDonnell had acted in a manner which might seriously complicate the relations of the government with the tribe. McDonnell averred that the sitting of the commission lowered his prestige in the eyes of the natives, and raised that of Titokowaru, who "commenced disturbances almost immediately after the close of this inquiry." Sir G. Grey, in his explanation, avoided any allusion to the attack upon Pokaikai. He justified that upon Pungarehu on the ground that its inmates were

amongst "the worst and most desperate characters in New Zealand," and said that the "escape" (of McDonnell's force) "was a very narrow one."[70]

When the Earl of Carnarvon resigned office (March, 1867), only one regiment, the 18th, had not been ordered to leave New Zealand. It was to be under direction and control, but not under command of the Queen's representative. In Oct., 1867, the ministry wrote that they did not ask for its retention, and would not be responsible for any payments on account of it, but they recommended, and the Governor ordered, that the head-quarters and six companies should be stationed at Auckland, two companies at Taranaki, and two at Napier. The Earl, hoping that Sir G. Grey would withdraw his defence against Colonel Weare's charges, had refrained from considering what the government ought to do if Sir G. Grey should decline to cancel his despatch. It has been seen that he declined. The Duke of Buckingham, in May, curtly acknowledged the despatch in which the refusal was couched. In June, replying to a despatch in which Sir G. Grey represented that General Chute "allowed him to have no knowledge of the times at which or the routes by which troops were to be marched," or temporarily massed, and that the government was unable therefore to warn or act in concert with friendly or doubtful tribes, the Duke regretted the controversies which had so long existed between the Governor and officers in command, and wound up a short despatch with the words: "I shall also then be able to inform you of the appointment of your successor, and of the time at which he may be expected to arrive in the colony."

The Governor's despatch had enclosed a protest from his advisers against the powers assumed by General Chute as to the location of troops. Of this the Duke took no notice. The significance of communicating a Governor's recall in a despatch on military matters was too plain to be overlooked.

The General Assembly was in session when Sir G. Grey received it. The Houses had previously conveyed to him

[70] Lord Carnarvon had not alluded to Pokaikai in direct terms, and Sir G. Grey wrote: "I can only guess, and I think rightly, that it is an affair which took place at Pungarehu." Blue Book, 1869, No. 307, p. 18.

their thanks for the manner in which he had incurred the displeasure of the Earl of Carnarvon by defending the honour and character of the colony, and they were not slow to vindicate the man whom they deemed a sacrifice to the offended War Office. The despatch was no sooner read in the Council, than on a motion by Colonel Whitmore, unanimously adopted, the members adjourned as a mark of respect for Sir G. Grey, and regret at his recall. With equal unanimity (6th Sept.), an address was adopted. Regret at the Governor's recall, admiration of his public and private character, testimony to his ability, self-sacrifice, and activity, and recognition of the perils, privations, and fatigues he had undergone, formed the groundwork of the address.

"We consider that the Imperial authorities have listened too credulously to accusations of the gravest kind, and by acting upon such information before ascertaining its truth or falsehood, they have been led to reiterate against the colonists most unfounded calumnies. . . . In asserting the honour of the Crown, and maintaining the position of the Governor as representative of the Crown, and the constitutional rights of the colony, as well as in vindicating its character against unjust aspersion, your Excellency has put aside all personal considerations, and has not been dismayed by menace or misrepresentation."

The Council trusted that the great services rendered by the Governor to the Crown and to the colony would be rewarded by some signal mark of Her Majesty's favour. Idle hope! Between the fount of honour and those on whom it ought to flow there lies a region of slime which disfigures the claims of the just, but gives false lustre to the base, like the iridescence which mantles on the surface of a stagnant pool. To have earned the honours of Drake direct from the hand of his Queen was a prouder distinction than to be the chosen knight of ancient tourney. To fawn and cringe, to obtain the favour of a Secretary of State, and thus obtain undeserved sprinklings of Royal grace, is a process which may well bring that grace to dishonour. The system under which a Vogel, a Duffy, and their congeners were decorated in the name of their sovereign proved the truth of Herman Merivale's lamentations.[71] The way in which the Crown could hope to distribute favour

[71] "Fortnightly Review," Feb., 1870. Mr. Merivale had been Under-Secretary for the Colonies, and was therefore an expert. See p. 476.

duly was by an avoidance of honouring the base, and at least, if it could not discover heroes, to confer distinction on those who would command respect. The Colonial Office at this period seemed bent upon furnishing materials for the censure of Mr. Merivale.

The Representatives were as energetic as the Council. They were about to record their thanks to the Governor for his conduct respecting Colonel Weare's reports when the despatch recalling him was laid on the table. On the motion of Stafford, they echoed the public regret at the loss of the Governor, and joined in the encomium of the Council on his character and services. His reply to the addresses spoke of the heroic work done by the colonists in laying the foundation of an Anglo-Saxon nation. Associated as he had been with them so long in their great work, and regretting with them that the public ties which had bound them were to be rent asunder, it was much to remember that they had presented addresses of which any Governor or ruler might be proud, and to know that while he lived he should have the pleasure of seeing them labour as of yore, to do their duty to their Queen and country.

Earl Granville was Colonial Secretary when the despatches on the subject were laid before Parliament in July, 1869. It then appeared that of the address of the Council no notice was taken by the Duke of Buckingham, and that the despatch (23rd Nov., 1867), entered as a reply to the address of the Representatives, made no allusion to them or to their prayers, but curtly repeated to Sir G. Grey an intimation already made (22nd Aug.), that Sir G. F. Bowen, the Governor of Queensland, had been appointed Governor of New Zealand. But the studied discourtesy which had been practised was to be partially, though disingenuously, disavowed by the Duke. On the 16th Sept. the New Zealand ministers formally protested—against the subjection of a Governor to a subordinate military officer, as directed by the Earl of Carnarvon; against the rash disposition of troops made by General Chute without concert with the government; against the conduct of the Imperial government with respect to Colonel Weare's and other secret charges; and against the silencing of truth in the matter of the illegal killing of a prisoner

without trial. They recognized the absolute right of Her Majesty to recall and appoint governors at pleasure, but they regretted that the despatch summarily recalling a governor who had for twenty-six years rendered great services to the empire, contained not one word of explanation.

Forced to say something, the Duke of Buckingham (28th Dec., 1867) made it as like to nothing as possible, but rounded off with a palpable equivocation. He had carefully examined the ministerial memorandum, but thought it neither necessary nor desirable to add to what he had written five months before in a despatch which contained no word about the slaughter of a Maori prisoner of war. As if the intelligence of colonists might be slighted with as much contempt as the life of a Maori, he added: "I may observe, however, that the intimation given for your convenience at the end of your term of office, that your successor would very shortly be appointed, seems to be mistaken for a premature recall." Such an equivocation could not even deceive himself, but it asserted the hereditary right of a Grenville to blunder and to create disaffection amongst distant subjects of the Queen. Fortunately the Grenville of 1867 was less potent for evil than his namesake of 1776.

In acknowledging the formal despatch in which the Duke of Buckingham announced the appointment of Sir G. Bowen, Sir G. Grey wrote:—

"I request your Grace to be pleased to state to the Queen that I present my duty to Her Majesty, and in receiving this notification of my Sovereign's pleasure, I beg to be permitted humbly to represent to Her Majesty that in the year 1845, a rebellion prevailing in New Zealand, I was by Her Majesty's commands especially sent to this country, and that when I relinquished the government in the year 1854 it was my happiness to leave it in a state of tranquillity and prosperity; that in the year 1861, a rebellion having again broken out in New Zealand, I was once more specially sent here; and that it is again my happiness upon being removed by your Grace's advice from this government, to leave New Zealand in a state of tranquillity and returning prosperity, and that I humbly represent to Her Majesty that I desire to claim no merit for these circumstances, but rather to attribute them to the blessing of Divine Providence, and to the abilities and exertions of Her Majesty's subjects who have advised me and aided me in my duties; and further, that I humbly trust that the almost unanimous voice of Her Majesty's subjects in New Zealand, amongst whom I have laboured in Her Majesty's service, will satisfy Her Majesty that I have done my utmost to promote the welfare and happiness of the inhabitants of this part of Her Majesty's possessions."

The Duke replied that this statement was evidently made under the misapprehension that Sir George was prematurely recalled, but he would "nevertheless lay the despatch before Her Majesty."

The session of 1867 was marked by the introduction of a Bill to confer partial representation on the Maori race. The Governor congratulated the Assembly on the re-establishment of peace generally throughout the North Island, in no part of which was "systematic hostility" to be expected again. During the recess he had made a journey, partly on foot, and traversed native districts previously deemed unsafe, and "everywhere found the embers of disaffection dying out, and I was received by the Maori population, even in districts recently in rebellion, in such a manner as to inspire confidence in the future peace of the country." The Assembly met in July, and in August the Maori Representation Bill was brought in by Mr. McLean. He proposed four members, and an attempt to reduce the number to two was defeated in committee. On the 30th Aug., just after the despatch recalling Sir G. Grey was laid before the Assembly, Mr. Reynolds moved that the third reading of the bill be postponed for six months, but only one "teller" was found on his side when a division was called for. In the Council the bill was passed without amendment, and became law in Oct., 1867. It was fitting that Sir G. Grey, so familiar with Maori lore, should have the honour of signing on behalf of the Queen a measure which admitted the Maoris to one of those rights of Her Majesty's subjects which were imparted to them by the Treaty of Waitangi. An Act was also passed for the endowment of Maori education. The Native Lands Act was again amended, and one of its clauses enabled the Governor to refer the Manawatu land dispute to a court. A Confiscated Lands Bill enlarged the powers of the Governor. Among nearly a hundred bills, passed in three months, was one "to authorize a loan of £7 [illegible] the purpose of converting and consol[illegible] [illegible]ts of New Zealand." More than £500,0[illegible] [illegible] Colonial Treasury in 1866 [illegible] amended in the [illegible] the committees [illegible]

conference was terminated by concession, and the amendments made by the Council were agreed to. By this measure various provincial loans were adopted as charges on the colony. Mr. Fitzherbert the Treasurer (who also had been Treasurer to Mr. Weld), with candour which must have amused the House, reminded it that he had in four consecutive sessions made financial statements "not uninterruptedly, for the wisdom or fickleness of the New Zealand Parliament forebade such indulgence in the sweets of office." Content with driving out Mr. Stafford's first Treasurer, the House could afford to see him financially controlled by the man who, under Mr. Weld, had been driven from office on a financial question. After many years, the overdraft at the Bank of New Zealand had been swept away. Income and expenditure were nearly balanced. The ordinary receipts exceeded the ordinary outgoings, and the extraordinary barely weighed down the contrary scale.

Among the causes which had swollen the Exchequer were the presence of an Imperial force, the consequent activity of trade, and the rifling of the soil, which in seven years had yielded £13,000,000 sterling of its gold. Mr. Weld's efforts had reduced the colonial defence expenditure. It had been nearly £900,000 a-year when he took office. It was reduced in 1867 to £327,000. Comy.-Gen. Jones had laboured with Major Richardson, a member (without portfolio) of Mr. Stafford's government, to adjust the claims of the Imperial government. The claims, as stated by Mr. Fitzherbert, were—for capitation charge for troops, £353,817 10s.; compound interest capitalized annually, £167,278 7s. 1d.; advances for colonial troops, £582,156 17s. 7d.; miscellaneous, £201,710 14s. 7d.; — total, £1,304,963 9s. 3d. Richardson considered that more than half-a-million of the claim was inadmissible. After much correspondence, Mr. Jones quitted New Zealand abruptly, leaving his task unfinished, and assigning his failure to the fact that Richardson's commission pointed to inquiry into subjects beyond mere accounts, into which Jones had no authority to enter. The counterclaims put forward by Richardson were—for colonial debentures sold at par, £500,000; military roads, £102,875 9s. 10d.; proportion of river transport charges, £97,329 0s. 11d.; miscellaneous, £206,652

4s. 11d.;—total, £906,856 15s. 8d. Major Richardson pleaded that further claims might justly be preferred, arising out of the peculiar relations of the colony to the Home government when liability was incurred in repressing rebellion. The arguments recurred to the time when the colonial ministry under stress of their own misdoings at Waitara gave a pledge in 1860 to reimburse the Imperial government for advances to militia and volunteers. Mr. Stafford's sins had come home to him. To coerce the Maoris he had made pledges of which, when again in power, he felt the pressure. But the axiom which declares that anything may be proved by figures implies that anything may in like manner be disproved. Richardson dealt not only with them, but with the provocation to war, which was represented in general terms, not as the act of its arch-promoters, but as that of Governor Browne. Indirect losses could thus be put forward much as (under shelter of Mr. Gladstone's concessions at Washington in 1871) they were urged by the United States as assets created by new retrospective arrangements. Speaking of Waitara, Richardson thought it "sufficient to state that the Governor (Browne) reported that the title of Teira and others having been minutely examined for several months, proved and extinguished by the Crown, a survey had been ordered in the usual manner." On the subsequent proofs that the alleged minute examination of title was untrustworthy—that Te Rangitake and his adherents had indisputable rights—and that in over-riding them the government violated the treaty of Waitangi—private and tribal rights, as well as their own repeated promises—Major Richardson's report was almost silent, though it recorded the formal abandonment of the Waitara block. As to the Waikato war, Richardson admitted that, to avoid risk of murderous invasions, "the initiative was taken by General Cameron;" but inconsequentially concluded that the whole war "has unmistakably arisen from the necessity of vindicating Her Majesty's supremacy and the rights of British native subjects [illegible] ty with the Crown!" In the hands of [illegible] facts, figures might yield equally sta[illegible] concluded his paper by [illegible] an accomplice in

the war and the cause of much expenditure, bound to give substantial aid in lightening the burdens of a colony which "had passed not willingly but by force from the position of a co-operator to that of a principal in the suppression of the rebellion." The irony of facts was never more severe. Major Richardson as a colleague of Stafford sent these words to the Governor in July, 1867, and Stafford thanked him for them with effusion. Nevertheless, in the previous year, facts had been proved at Taranaki which induced the Stafford government to arrest inquiry, and by private compositions to withdraw from a court of law the further consideration of a case which threatened to show conclusively that the reiterated assertions made on behalf of the government—viz., that Teira's claim had been "minutely examined for several months," found good, and fairly extinguished—were glaringly false. Although the government eluded judgment in 1866, documents had been laid on the table of the Assembly in that year which refuted beyond all doubt the reiterated untruth which the Stafford ministry of 1866 derived from its predecessor of 1860, and which Major Richardson indorsed.[72]

The financial policy of Mr. Stafford, though brought forward by him who had been Treasurer for Mr. Weld, was not unchallenged. Mr. Vogel impugned it in a motion which was only rejected after repeated adjournments. Mr. Vogel's criticisms were listened to; and it was evident that he was about to be a power in the House.

Provincial liabilities still irritated New Zealand. In June, 1867, the Otago Council adopted a petition to the Queen, praying that a bill might be brought into the Imperial Parliament to carve the North and Middle Islands into "separate and independent colonies with such provisions for a federal union" as might seem advisable. Stafford and his colleagues deprecated compliance with the petition. Mr. Vogel (24th July) moved for a committee "to inquire into the financial condition of the colony, and to recommend an equitable apportionment of colonial and provincial liabilities with a view to end the indefinite

[72] See Chapter xiv., pp. 484, 485, 488—4 0; the sitting of the Land and Compensation Court at Taranaki. And see also the chief judge's evidence at the close of Chapter ix.

liability of the southern provinces for northern expenditure, and to give the northern provinces the control of northern affairs within their respective limits." On Mr. Fitzherbert's suggestion, the House amended the proposition, resolving to appoint the committee to ascertain "whether the indefinite liability of the southern provinces for northern expenditure can be limited, and, if so, whether any recommendation can be made for an equitable apportionment of colonial and provincial liabilities. Whether, and if so in what manner, the control of native affairs can be conferred on the northern provinces within their respective limits." Mr. McLean demanded a ballot, and three of the names proposed by Vogel were rejected. Before the report was presented (30th Sept.) the Surplus Revenues Bill had been passed. The distribution of surplus revenue might well stir men's minds in provinces distracted by debt, war, and massacre. From 1st July, 1858, to 30th June, 1867, the amount distributed was £1,780,000 (omitting fractions). The amount which ought to have been distributed was less by £183,000 than the sum distributed. Auckland had received £25,000 less; and Otago had received £25,000 more than was due, and other inequalities were to be redressed. High above such local differences rose the financial question. In November, Mr. Fitzherbert was accredited to England to deal with: 1. The consolidation of the various loans of New Zealand, and the investment of the sinking fund of the guaranteed loan of 1856 in New Zealand securities. 2. The settlement of all claims between the Imperial and Colonial governments. 3. The establishment of a mint in New Zealand. 4. The defence of harbours and of the colony, and the disposal of sites hitherto granted for barracks within the colony.

There were various indications that Maoris began to look to the law, to the New Zealand Parliament, or even beyond it to the Queen, to safeguard their rights. Patuki's appeals in the [illegible] reserve at Dunedin have been describ[illegible] of the government, but some who h[illegible] were petitioners to the Assembl[illegible] inquiry about land pa[illegible] the Ngatitoa. This wa[illegible] of their own

accord, and attacked my people, the Ngaitahu. Therefore we killed some of them by way of utu (reprisal). . . . The last battle fought was won by us, and so I think the land still belonged to us." He wanted to know why the disposal of land was not left to the owners. The committee did not think it politic to re-open such claims. Two hundred and fifty-six natives petitioned:—

"These are our troubles: our land that the government is constantly trying to take away from us. After the cessation of hostilities some people were transported to the Chatham Islands, but the land was left untouched, neither was there anything said about taking our pieces of land . . . we inferred the only punishment this people were to suffer was in the dead who had fallen and the prisoners sent to the Chatham Islands. The blood has since dried, during two years, yet the word of the government that we are to be deprived of our lands has only now come forth. It has been heard only during this year: had it been uttered during the fighting it would not have pained us so much, though we did not join in the offence of the Hau Haus. Give heed, assembly of gentlemen! We are in great trouble by reason of what the government has done in deceiving us, so that we might lose the whole of the level land of this district. It has been owing to the influence of us, the chiefs, that the greater portion of the country has been kept quiet, and our reward is that we are to be washed away by the tide." The judge of the Lands Court had promised to hold a court; twice they were deceived. . . . "We all assembled, but there was no court. We wondered why we were annoyed everlastingly, and after considering for some time, we heard a word about the land being taken. The life-giving words came first; namely, the Native Lands Court was to be holden here. These were followed by the death-causing words, namely, the land was taken. We have waited for relief by law, but in vain." Capt. Biggs had negotiated with them. "What he wanted was to get all the level country, and we might perch on the mountains. Thereupon we told him it must be left for the Land Court to give us relief. He replied, he would bring the land-taking court. This was the first time we had heard such a name for the court, and we were surprised." They appealed to the "gentlemen elected to devise such measures as will promote the peace of the country."

Their allegations were found by the committee to be correct. Neither the Native Lands Court nor the court appointed under "The East Coast Titles Investigation Act 1866," had kept the times appointed and notified. The assembled natives retired disappointed. Mr. McLean's negotiations at the close of hostilities had unfortunately not been acted upon by the government. When the two courts failed, Captain Biggs and Mr. J. C. Richmond had failed also to solve disputes. Captain Biggs then recommended the government to work under the New Zealand Settlements Act (the land-taking court), but the government shrunk from doing so, pending the session of 1867.

The committee recommended that there should be no farther delay in allowing the established courts to go into operation in the district. After making all possible allowance, it is hard to excuse the dilatoriness displayed by the government at Turanga. A matter small in itself, but like a spark in a magazine capable of much mischief, reflects little credit on the government. Eight Turanga natives petitioned for the return of their "very valuable carved house, taken away without pretext by the government." Mr. J. C. Richmond, a member of the Executive Council, had asked for it, and was told he could not have it. He replied, "That is all. I will cease to urge you." But after he departed a steamer arrived, and Captain Biggs carried away the house without sanction from the tribe. The name of Rahurui was first in order of the petitioners. The committee reported that the house (Whare Waikaro) was a very fine specimen of native workmanship, and would be properly taken care of in the Wellington museum; that some money had been paid for it by Biggs to some Maoris; and that the house and land having belonged to rebel natives were, "strictly speaking, forfeited to the government." It was admitted that the house stood on the land in which the petitioner Rahurui had interests. There was little attempt to gloze the transaction, which could not fail to embitter the feelings of the disaffected at Turanga, as well as of prisoners at the Chatham Islands expectant of release. On the west coast Titokowaru called a meeting at Te Ngutu-o-te Manu, a village built after the destruction of Pungarehu. Mr. Booth, resident magistrate at Patea, was present by invitation, and reported that Titokowaru had shown untiring energy in bringing other tribes to make peace from the date of the "first overtures for friendly relations." The Manawatu-block disputes still furnished petitioners, praying that the Native Lands Court might be brought into operation. That court early obtained praise, and in 1868, the Pakeha Maori, Mr. Maning, officially reported that the Native Lands Act 1865 would "prove the most beneficial action we have ever attempted in native affairs, and the good effects we may expect from it can scarcely be overrated." The removal by that Act of restrictions upon sales by Maoris to Euro-

peans had been so freely adopted in some places that the resident magistrate at Hawke's Bay appealed to the government to protect the Maori from himself. *Prima peregrinos obscena Pecunia mores intulit.* Suddenly freed from control, prone to exchange land recklessly, the Maori in many instances so parted with his heritage that a future of pauperism was in store for him, unless the government would refuse to assent to the alienation of reserves.

The Pakeha Maori (Maning) was called upon to exercise a strange judicial function during the Parliamentary session of 1867. Quarrels arose about land, the title to which was to be brought before him. Two Ngapuhi warriors tottering with age, stirred up the young, prone as themselves to fight. Ancient tribal feuds were ransacked to envenom differences. The judge in olden time had known the combatants, but kept himself aloof to do official justice. The surveyor asked whether he should carry on the survey, backed by force. The judge replied that he believed the man must be mad to ask such a question. The case had not come into court, when two grantees and a claimant had been shot. In June, the resident magistrate, Edward Williams (a son of Archdeacon Henry Williams), found the two parties on the brink of battle at Pakaraka. They were within a few yards of each other, when he rode between them, and out of respect for him they retired, and agreed that he should be their arbitrator. He had not received the thanks of the government for his intervention when the disputants met again, and, though he endeavoured to interpose, commenced firing before his eyes. On the 10th of July, he saw five killed and two wounded as he stood by the Ngarehauata. Fighting was more acceptable than law, and the magistrate's entreaties were disregarded, until, on the 16th July, the death of Archdeacon Williams drew off the sorrowing Maoris to attend his funeral. The scene which followed has been told in relation to his death. Judge Maning's proceedings deserve special mention. Before peace was finally made the hostile parties offered to make a truce, to attend the court unarmed, and keep the peace while the court was sitting. He declined to authorize in such a manner, indirectly, a return to violence after his departure, adjourned his court *sine die*, or until

hostilities should cease, and intimated that probably all the courts in the district would be closed. Meanwhile he joined his peaceful persuasions to those of others. The Hokianga chief, Abraham Taonui, aided the sons of the deceased archdeacon, peace was made, and the land had rest.

Such was the aspect of New Zealand life, while the General Assembly in 1867 was busy with many things—passing an "Old Metal and Marine Storedealers' Bill," regulating Friendly Societies, empowering a racecourse board at Wairarapa to exchange certain lands, and dealing with the thousand objects which in all communities of Englishmen engross their time, but which, as common to all, require no special notice. The session was the last to be convened by Sir G. Grey. The laudatory addresses he received from the Houses have been quoted. In Dec., 1867, he was requested to forward the final testimony of his Executive Council:—

"When immediately on the receipt of the first intimation that your Excellency would shortly be informed of the name of your successor, both Houses of the Legislature, by simultaneous addresses, marked their high regard for your Excellency personally, and their appreciation of your distinguished public services; and while numerous bodies of colonists hastened to re-echo those sentiments of respect which everywhere greeted you in your late visit throughout the provinces, we abstained from approaching your Excellency with any expression of sympathy, because we could not but believe that, at the close of your career in New Zealand, Her Majesty would have been advised to mark her appreciation of your services; but the tone of the late despatches addressed to your Excellency, impels us no longer to withhold the expression of the sentiments entertained towards you by those who have witnesssd, near at hand, the devotion to the empire and to public duty which has distinguished your long career. Seldom has a governor been placed in circumstances more trying, and amidst duties more conflicting and embarrassing. In so difficult a position we cannot but think that your Excellency might reasonably have expected that you would not have been left unprotected to bear the unjust aspersions to which you have been exposed. Again and again during the last twenty-six years, where there has been danger and difficulty in the administration of colonial affairs, your Excellency's aid has been invoked by the most eminent statesmen of the day. Sacrifices you have disregarded, and trials have served as opportunities of evincing devotion to public duty, and we cannot but regard it as indicative of the indifference, if not positive disfavour, with which the colonies of the empire are regarded when loyalty, zeal, and high intelligence displayed in the administration of their affairs are passed by without even the courtesy of a cold acknowledgment. Nevertheless, it will be no mean gratification to your Excellency to feel assured that upon your retirement from the government of New Zealand, it is universally recognized that in defence of constitutional government, the honour of the colony entrusted to your guardianship, and the best

interests of the empire, you have added to your other sacrifices that of the assured prospect of some still more honourable position in Her Majesty's service, or a distinguished retirement from the cares of office. We trust that the day may not be far distant when the high services you have so freely and ably rendered will meet with a fitting recognition. We pray your Excellency to accept these words as expressing the sentiment of ministers who have had the honour of being associated with you in the administration of the affairs of New Zealand."

The names of E. W. Stafford, William Fitzherbert, John Hall, T. M. Haultain, J. C. Richmond, J. H. Harris and Major Richardson were attached to the address.

Sir George Grey replied:—

"It is fitting that I should briefly acknowledge the far more than friendly words which you have addressed to me on my removal from my office of Governor of New Zealand. These words coming from those who not only have seen and known the trials and difficulties I have had to encounter, but who also amidst those difficulties have been my advisers and fellow-labourers, are very valuable to me, and I shall often think of them in my retirement. I will only further say to those who by their advice, by their sympathy, and by their own toils and devotion to public duty, have so often guided my path in difficulties, and lightened the labours imposed upon me, that I thank them for the services they have rendered their Queen and country; that I also thank them for their affectionate farewell, and that whatever may be the future trials and changes of my life, I shall always think myself fortunate that they were so long given me as companions and associates in the trying duties I had to perform in New Zealand."

The framers of the address could not complain of any terms applied to it by the Duke of Buckingham. It was acknowledged without comment. Well might Rajah (Sir James) Brooke groan, in bitterness of spirit, that the fiction that honours were conferred by the Queen could barely make them respectable. Well might one who had been Under-Secretary for the colonies[73] declare that the manner in which distinctions were conferred by the Colonial Office was fitted to degrade them. When the Duke of Buckingham thus superciliously set aside the testimony of the Executive Council of New Zealand with regard to the public services of a man in whose favour several of them could in no manner be supposed to be prejudiced, there was in a neighbouring colony another man in full career on the path to titular honour obtained in the manner denounced by Mr. Merivale. Convicted of sedition in 1844, but set at large on technical grounds—reverting to seditious practices,

[73] Herman Merivale.

but evading the personal risks to which he incited others, for his desertion of whom one of the most resolute among them branded him as "a pitiable blaspheming traitor"—intriguing against his Sovereign, against his reputed leader Daniel O'Connell, against his country and his oaths in the House of Commons and in a colony—fawning upon his countryman O'Shanassy in Victoria, until he had obtained a title and a pension, and then spurning the patron whom he no longer needed—Mr. Charles G. Duffy pursued the primrose way to the favours of Downing-street. They could not convert him from that to which he was in a manner born, but the method of their distribution might sour the minds of others more loyal than he. History has different garlands to dispense, and strikes a juster balance between the ignoble and the worthy. One gathers honour with time, while the distinctions of the other excite disgust.

Sir G. F. Bowen assumed office as Governor of New Zealand on the 5th Feb., 1868. His predecessor remained in the colony until, at the close of the year, he hastened to England to fight his battles in person, and to press upon the Colonial Office the propriety of doing right in regard to the slaughtered Maori prisoner of war. Sir G. Bowen thought it becoming to show respect to the superseded Governor. He informed the Colonial Office that Sir G. Grey was to be entertained at a banquet (at which Sir D. Monro was to preside), and that, having been invited, he would have much pleasure in evincing his sense of the courtesy he had received from his "able and accomplished predecessor, whose name will be inseparably connected with the history of this colony."

CHAPTER XIV.

1865—1869.

NATIVE LANDS COURT.

It is proper to examine the working of the Native Lands Court constituted under the Native Lands Act of 1865. Two or three cases brought before the Land Court and before the Compensation Court will throw light upon many previous occurrences dealt with in these pages. One enabled justice to reveal the wrong done to the loyal Te Rangitake, at the Waitara. It would be easy to state the result, and dismiss the subject. But by such a course the true history of New Zealand would be untold; and by such a course misrepresentations in other works would not be disproved. The act done at Waitara by Governor Browne was the plague-spot which corrupted the subsequent life of the colony. He and his advisers wrote despatches and minutes, as bulky as volumes, in which they contended that the prayer of Bishop Selwyn, Sir William Martin, and others, for judicial inquiry was ridiculous, and that the title of Teira, so rashly accepted by Governor Browne, had been "duly investigated" and found good. Two or three statements of Governor Browne and Mr. Richmond must be cited here. To the Secretary of State the Governor wrote (March, 1860): "I have insisted on this comparatively valueless purchase, because if I had admitted the right of a chief to interfere between me and the lawful proprietors of the soil, I should soon have found further acquisition of territory impossible in any part

of New Zealand." A published manifesto prepared for the Governor by his ministry declared: "Te Teira's title has been carefully investigated and found to be good.[1] It is not disputed by anyone. The Governor cannot therefore allow Te Rangitake to interfere with Te Teira in the sale of his own land." To his shame it must be said that Donald McLean abetted this manifesto. With the despatch which transmitted that manifesto to England was sent a memorandum by Mr. Richmond, imploring for troops. Mr. Richmond wrote: "An occasion has now arisen on which it has become necessary to enforce obedience to the Governor's decision by a military force. The issue has been carefully chosen—the particular question being as favourable a one of its class as could have been selected." The reader can decide as to the class, after scrutinizing the favourable case thus gravely averred to have been carefully chosen. It is only necessary to refer generally to the prayers of Sir W. Martin, Bishop Selwyn, and Archdeacon Hadfield, for a judicial inquiry, and the contempt with which they were thrust aside.

The land at the Waitara was comprised in the blocks conditionally confiscated in the Taranaki province in Sept., 1865. Within confiscated tracts, the government undertook to reserve and award lands to loyal natives who had tribal rights in the district. Rebels were also invited to declare their allegiance, and thus entitle themselves to restoration of such lands as might be allotted to them. To ascertain the proper quantities to be awarded in the Taranaki province a Government Gazette intimated (March 1866), that a Compensation Court would be "holden at Plymouth (Taranaki), for the purpose of hearing and New determining the claims of persons to compensation on account of the taking under the authority of the New Zealand Settlements Act of the blocks of land in the province of Taranaki hereunder described." The blocks were described, by certain boundaries, as the Waitara South, and the Oakura [illegible] The first- [illegible] included the land which Governor [illegible] prote[illegible] uy from Teira in 1859, and whi[illegible] the government

[1] See note, p. 78 in [illegible]

in 1863. The Oakura case was first undertaken. The judges of the Compensation Court were Mr. Fenton sitting as senior judge, and Messrs. J. Rogan and H. A. M. Monro sitting as judges. Mr. Fenton was also chief judge of the Native Lands Court. Mr. W. S. Atkinson appeared as Crown Agent to oppose the claims of the natives. His contention was peculiar. By the Settlements Act the Crown could elect whether to give compensation in land or in money. He elected "to give land in lieu of money." But the Oakura block was supposed to contain from 25,000 to 26,000 acres, and the Crown or its agents, without regard to possible or probable claims of loyal natives, had authorized occupation by European settlers to such an extent that only 2500 acres remained to satisfy any awards which might be made by the Compensation Court. Mr. Atkinson pleaded generally, as Mr. Fox and his friends had often urged, that the natives did not really exercise ownership, and only used about 1000 acres properly. On this point a chief replied:—"As to the extent of our cultivations, I call attention of the court to our live stock on the land. I demand that our compensation be within the block; the blood of my relatives is on the land. Remember my services during the war. My cattle, my sheep, and my pigs, all my property went in the war; my wheat and my cultivations; and I never received any compensation for them, though the Pakehas have all been compensated. What I did was not rewarded. Let the government now fulfil its promises."[2] Mr. Atkinson was unable or unwilling to produce any evidence as to the lawful settlement of military settlers on, or of sales in, the block, to such an extent as to leave an insufficient quantity of land to meet the claims of natives, which claims were contemplated in the Act, and had been solemnly guaranteed by the Government. In a proclamation (17th Dec., 1864) there was the unshakeable sentence: "The land of those natives who have adhered to the Queen shall be secured to them." There had been other notifications of like purport. The court considered and admitted 76 claims in a manner which may be told in their own words.

[2] N. Z. P.P., 1866; A. No. 13.

"Having thus arrived at the, to us, unavoidable conclusion that the claimants before us were entitled to 7400 acres of good land in this block, and having accepted Mr. Atkinson's assertions that the whole of the available land, except 2500 acres, had been appropriated to military settlers, the question then arose, What are we to do? We thought that possibly the government were not aware of the large majority of owners of this land, who had remained loyal, and reflecting on the great public calamity which would be caused, and the serious embarrassment which would occur to the government if we issued orders of the court extending, as they would have done, over the lands of considerable numbers of these military settlers, we determined to despatch one of our number to Wellington to place the state of affairs before the government, and give them an opportunity of availing themselves of the power given to the Colonial Secretary by the ninth clause of the Act of 1865.[4] We accordingly postponed our decision, and Mr. Rogan went to Wellington, charged with earnest appeals to the government, whilst Mr. Monro and I proceeded with the case of Waitara South. Mr. Rogan returned with the Hon. Col. A. H. Russell, the Minister for Native Affairs, who effected an arrangement with the claimants, and ultimately all the claims except one, that of Rawiri Motuere, were withdrawn to our satisfaction. What the terms of Col. Russell's arrangement were, the court did not think it their duty to inquire. In consequence of this agreement having been come to, no adjudication was made by the court, as our jurisdiction was gone. . . . In the case of Rawiri Motuere, who had returned home to Waikanae, the court accepted the undertaking of the resident owners to admit him as one of themselves."

Such was the measured language of the judicial report. But more might have been told. The section of the Taranaki community which had so largely promoted discord in former days, was indignant at the thought that even loyal natives should maintain a footing on the land through the action of a court of law. It mattered not that the claimants in 1866 had in 1863 gone out, when many settlers declined, to rescue and escort to the town the scattered settlers whose lives were in danger after the Oakura massacre. It mattered not that by striving to strangle the claims of their allies in war, the settlers were doing their utmost to prove the truth of the prophecy, that, when alleged rebellion had been dealt with, loyal Maoris would be robbed. The passions of some dwellers in

[4] By that section the Colonial Secretary could, on behalf of the government, agree out [illegible] with any claimant to give him money, or land, or [illegible], to withd[illegible] By section 10 the same functionary might [illegible] or award, elect to give the claimant land in [illegible] within the province subject to the provisions [illegible] Court or the arbitrators or [illegible] of land so to be given as

Taranaki darkened their judgment. The nature of the settlement arrived at by the Native Minister may be told in few words. Mr. Parris was acting as native agent. Mr. Atkinson "applied for and obtained a suspension of judgment for two days," and offered to the natives "the whole of the remaining land in the Oakura block." Parris, on behalf of the Maoris, accepted the offer if "intended to include all the government reserves and the whole of the land not allotted to military settlers." Atkinson consented. The land thus restored to the original joint-owners (according to Parris' statement) exceeded 10,000 acres.[4] That held by military settlers contained 18,930 acres. Every one familiar with the conversation of the settlers is aware that the restoration of lands to the Maoris was a constant theme of ridicule. The use made by the military settlers of their lands may be illustrated by the result at Taranaki. The three prescribed years of service terminated in 1866, and nearly all of the settlers sold their lands and left the province.[5] The historian of the province ascribes their departure to the unfitness of many of them for rural life, and to the inability of the local government to employ them, or to make roads for them. As a proof of the

[4] In July, 1867, the Native Minister explained his conduct to the Legislative Council thus:—"It has been found impossible to carry out the provisions of those Acts and Orders in Council consistently with the action which has been taken by government, without causing an amount of complication which would have caused a most serious difficulty to the colony. It was on this account I was summoned to Taranaki, and I believe but for the presence of a minister and the cordial assistance of the court, of that very able officer Mr. Parris, and of the Crown agent, Mr. W. Atkinson, the result would have been not only the renewed disturbance and further complication of the Waitara question, but the absolute payment of compensation by the colony to the military settlers of from one to two hundred thousand pounds. This, I am happy to say, has been averted, and the whole of the very complicated questions adjusted without the payment of one farthing by the colony." In the sense of "patching up," Col. Russell was perhaps right in using the word adjusted, but the nobler meaning of the word it was perhaps impossible for him to attain. The original injustice of 1860 was indelible. In 1882 there appeared in an English Blue-book (C. 3382) a copy of an agreement signed by fifty-eight Maoris asking the court "not to proceed to judgment for the Oakura block," as they had accepted "terms offered by W. Atkinson."

[5] The evacuation of allotments by military settlers was general. Mr. Saunders said in the N.Z. House, 7th August, 1894,—"a number of military settlers were brought here, and they were put down on the land. I believe there was not a single instance of one of those settlers staying."

tenacity of some minds to the course pursued with regard to the natives, it is right to mention that although that historian[6] devoted some space to the departure of the military settlers and the absorption of their lands by other Europeans in 1866 and 1867, he was silent as to the sitting of the Compensation Court and the emergency in which one of its judges was despatched to Wellington to induce the government to find a way of escape from the exposure which was dreaded. A further proof of the pertinacity displayed is to be found in the fact that when a Maori prophet, Te Whiti, stirred up his disciples, and a West Coast Commission was appointed in 1880, it was proved that the government had not at that date taken steps to comply with the contract made by the Native Minister with the Maoris in 1866. To promise and not to perform was the accepted method of dealing with Maori claims by numerous ministries from 1866 to 1880. Within that period there was occasion for many claimants to die. The urn of fate combined with weapons of war in removing suppliants or appellants from the scene in which they troubled the heirs of Colonel Wakefield's devices.

Startling revelations were made at Waitara, where the native ownership of the ill-famed Waitara block was incidentally brought under the eye of the law. Teira and his friends appeared before the court to establish their claims on the 4th July, 1866. The judges were Fenton, Rogan, and Munro. The exiled rebels were, of course, unrepresented, but in order to check exorbitant claims of Teira and others, the government were constrained to put forward some portion of that which would have been the case of the absentees if they had not been barred. Their hereditary rights, concluded by their imputed rebellion, were used to rebut the claims of others. The government agent in the court was Mr. Atkinson. Tamati Tiraurau, of the Ngatiuenuku hapu (of the Ngatiawa tribe), of which Te Rangitake was the principal chief, was first examined. The evidence of Teira will suffice for the purposes of this narrat

Un [illegible] Act of 1865, native title and interes[illegible] all cases accord-

[illegible]78.

ing to the ancient customs of the Maori people so far as they could be ascertained. It was the practice of the Land Court to receive evidence, and frequently to frame genealogical tables, which, when established by concurring testimony, often decided cases satisfactorily. Many Maoris were present when Teira was examined (about 400 of them attended the court). Teira said he was of the Ngatiuenuku tribe. The hapus, or sub-tribes, which were part-owners of "Taylor's piece" (as the block bought by Governor Browne was termed), were Ngatirangiora, of which a woman, Mauirangi, was chief; Ngatiuenuku, of which the witness and Te Rangitake were chiefs; Ngatihinga, whose chief was Hemi Pataka; Ngatihineuru, of which Rewiri Kaiuri was chief; Ngatihua, whose chief was Parani Tukoko; and Ngatituao, whose chiefs were the witness, and Ropoama Te One. The tribes enumerated were all hapus of the Ngatiawa. In the solemn atmosphere of a court of justice, and surrounded by Maoris who could refute misstatements, the man who, to wreak his spite against Te Rangitake, had been put forward to mislead Governor Browne, admitted that several hapus had interests in the block which he had been accepted as competent to sell, in 1859, without tribal concurrence. He essayed, even in 1866, to maintain his worthless pretensions. When a table of descent was framed from the evidence it was found that Teira was far removed in descent from Tarikura; while, from her sister Parekaita, Te Rangitake was nearer in descent. When reminded of this, Teira had the effrontery to say that proximity of descent made no difference in heritage; but the Maoris in the court significantly showed their dissent. A further catastrophe awaited the claim which Colonel Browne's advisers had pronounced to be good. Ascending higher towards the family founder, it was found that the two sisters above-named derived their descent from a female ancestress, Nenuku, whose brother was Te Whetureereao. From Te Whetureereao in the male line, Te Rangitake traced direct incontrovertible descent. Thus, in addition to representing a wider circle within the tribe, Te Rangitake boasted direct descent from the house-father, so dear to Maori hearts.

(Judge Maning's verdict on his rights as Ariki is recorded in a note at p. 17, vol. i. of this work.)

It would perhaps be too much to say that by Maori as by Roman law, agnatic was invariably preferred to cognatic inheritance, although the reverence for the ancestor, or eponymous hero of a tribe, would give much sanction to such a theory. One learned writer, Colenso,[7] declares the "order of succession of inheritance as clearly shown in Maori genealogical recitals was from father to son." The transfer of tribal leadership, from the unworthy to the worthy, of which there were well-known instances, perhaps forbids the laying down of an irreversible canon on the subject. But the carved images of their forefathers in the Maori tribal houses were perpetual memorials of Maori custom and tradition, if not of positive law. But this the brazen Teira was ready to challenge. Asked whether the proven descent from Te Whetureereao did not establish Te Rangitake's claim as superior to his own, he desperately denied the fact. His own followers were so amused or shocked at this affirmation that they made demonstrations of dissent.

The court tested Teira on another principle.

"You say that an individual Maori can sell land?—Yes. And that a single Maori could sell land before the government came here?—Yes. Could he have sold to anyone?—Yes. Could he have sold to another Maori?—Yes. Now could you have sold this piece (the Waitara block) to Kukutai,[8] or to Te Awaitaia?—Yes. And would the tribe have let them take possession?—Yes. And build a pah upon it?—Yes."

At this daring denial of well-known Maori usage, Teira's own friends burst into laughter so loud and derisive that the baffled liar, looking round and seeing that further imposture was hopeless, rushed out of the court.[9]

One touch from the wand of justice had destroyed the baseless fabric on which Colonel Browne and his advisers endeavoured to justify the robbery of Te Rangitake. The visions which Sir W. Martin had denounced were dissolved;

[7] "Transactions of N.Z. Institute, 1868," vol. i., p. 363.

[illegible] these chief[illegible] Waikato men who joined in the invasion of the Ta[illegible]kerangiora was sacked and Nga Motu was sav[illegible]

[illegible] pretensions were unfounded. See [illegible]5, and 479.

but not without leaving a rack behind. The majesty of England pawned to do a great wrong: the home, the church of a loyal chief wantonly sacked by the Queen's troops, although that chief was believed to have saved Wellington from destruction after the Wairau massacre in 1843—a solemn treaty shamefully violated in defiance of the warnings of that just man who had been chief judge of the colony; the blood of thousands of loyal Maoris (resenting injustice) spilt upon their land in futile strife; the desperate hearts of many driven to fulfil the prophecy of Sir W. Martin, and to spurn the creed tendered to them by those whom they believed to be a nation of liars; the Bishop (who had lived in their affections, and welcome in every Maori village, could wander through mountains and forests at will), turned into an object of aversion because, in endeavouring to temper the horrors of war, he had accompanied the conquering army of the Queen! These were the fruits of the policy which Governor Browne abetted in 1859, when he was tempted to abandon his opposition to the schemes which in 1858 he had denounced as framed to rob the Maoris of their land—"*Recte si possint, si non quocunque modo.*" And this was the policy which after such a warning from the Governor, the Duke of Newcastle had formally approved, though he admitted subsequently that he deemed it reprehensible. By retributive justice, Stafford, the head of the ministry by which the wrong was done, was Chief Minister when it was exposed; and the Crown agent, a member of that section of the Taranaki community which had urged the crime, was in 1866 the unwitting tool by which the truth was brought to light. In resisting the claims, in order to diminish the unholy wages of Teira, the government established the title of Te Rangitake. But although Teira's evidence, and that of Kirikimero, Tamati Tiraurau, and others, proved Te Rangitake's title, Te Rangitake could reap no benefit from the proof. He, as a rebel, had no standing in the court. The "carefully chosen issue" of Mr. C. W. Richmond sufficed for the purposes of Taranaki avarice. The confiscation of the land under the Settlements Act of Whitaker and Fox professed to bar all claims of those directly or indirectly concerned in the war. Violence in seizing the land was resorted to in order to

convert Te Rangitake into a rebel, and the device satisfied not only Mr. Richmond and his Taranaki friends but a majority in the New Zealand Assembly. There might have been an argument raised that as the Maori title was tribal, the abrogation of the rights of the rebels left their loyal tribesmen with rights co-extensive with the area of the tribal domain, but no New Zealand government would tolerate the raising of such an issue in the courts. In reporting their proceedings at Taranaki in 1866, the views of the judges on Maori tenure were succinctly stated :—

"Each individual has a right as against the rest of his tribe, to a pretty well defined piece of land, part of the tribal estate, which he could hold and cultivate as against any member of his tribe; but his power extended no further. He could not alienate it out of the tribe; and if he abandoned it, another member could take possession. The tribal estate belonged to the tribe, and no man could weaken the tribe by alienating any part of it to another tribe, or person out of the tribe, or to any outsider."

By the treaty of Waitangi the Queen had guaranteed "to the chiefs and tribes of New Zealand and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, and fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession." It would have been difficult to maintain in a court of justice that the forcible extinction of the rights of Te Rangitake could abrogate those paramount tribal rights which ran over the whole domain, and by which each member was invested with concurrent tribal rights. The joint-tenancy known to English law recognized the *jus accrescendi* of each remaining owner at the time of the removal of any of his co-tenants. The hereditary tribal right could not be weaker than the technical ownership created by joint-tenancy. It added to all the favourable incidents of joint-tenancy the crowning quality that each man born into the tribe became invested in his turn with the tribal right. So long as the tribe might exist, so long was there a man to stand upon the soil and assert the tribal ownership. Even the eph[illegible]cy of English law preserved the whole of [illegible] survivor. Could it be said that the forf[illegible] by one [illegible]ld divest all his trib[illegible] If so, [illegible] creature might

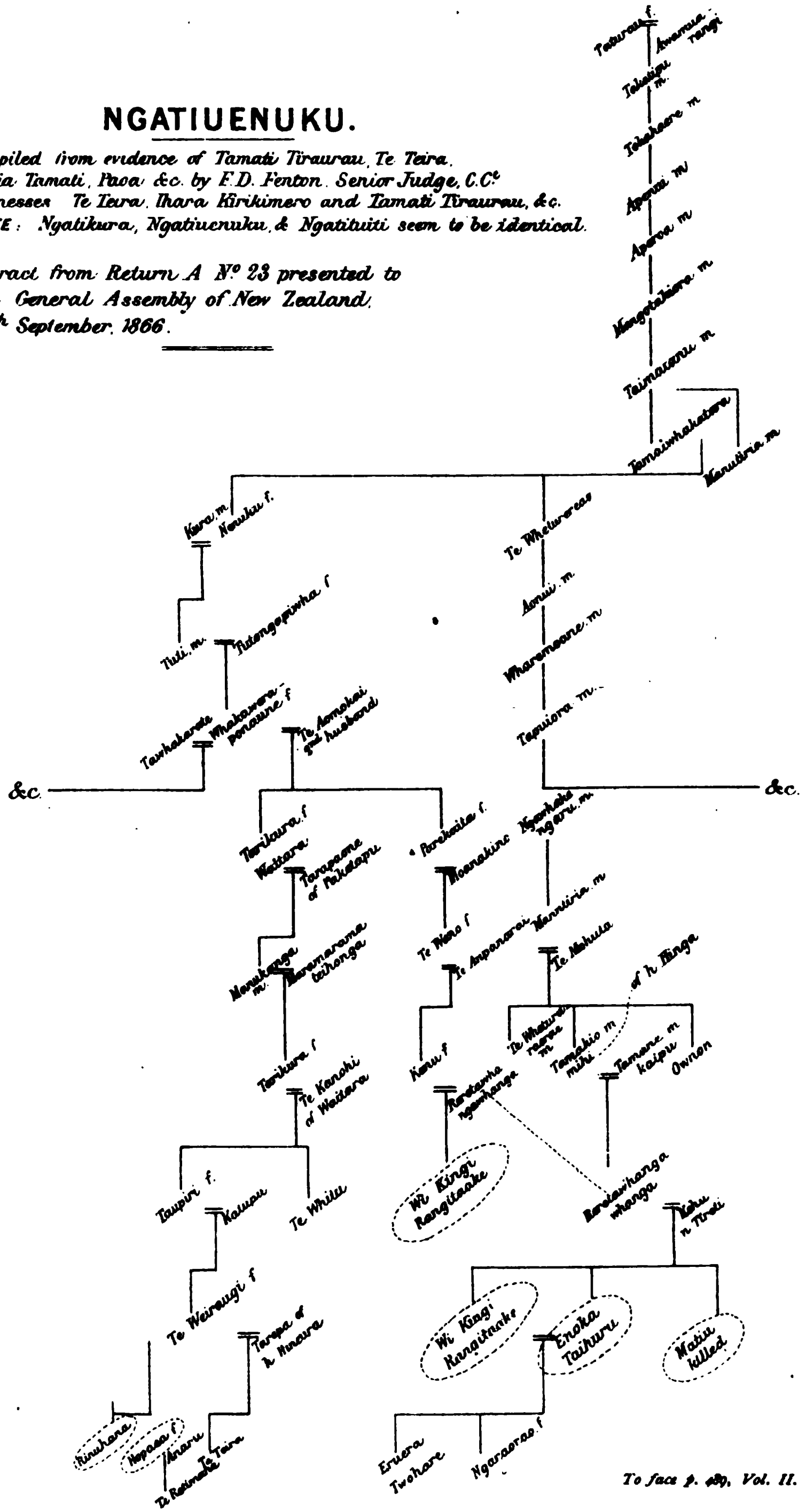
be bribed at any time to destroy his people by some act to be put forward by the government as an excuse for confiscation of tribal lands. But reason and justice had been silenced in New Zealand. When the New Zealand Settlements Act was passed by Whitaker and Fox in 1863 a point of tyranny was reached from which Henry VIII. had abstained. He, when he desired to bring within his grasp the possessions of his victims, procured a repeal of the law which protected estates-tail from forfeiture for treason. He resorted to the only tribunal needful in that matter. In New Zealand no law could be honourably proposed or passed in violation of the treaty of Waitangi. Only by the formalities by which that treaty had been made could it be undone, or its sanctions be changed. But the dry light of justice was obscured when Whitaker and Fox darkened the political hemisphere, and the Assembly passed the Settlements Act of 1863. During the administration of Mr. Weld in 1865 the influence of himself, Mr. Mantell, and Mr. Fitzgerald, and the labours of Sir William Martin and Mr. Fenton, purified the air, and by the working of the Native Rights Act and the Native Lands Act some gleams of light were admitted to the gloom in which wrongdoing had been shrouded.

The wrongs of Te Rangitake need no further comment in these pages, though in dismissing them it is not out of place to record that in July, 1867, Major Richardson, one of Mr. Stafford's colleagues, in an elaborate report hazarded the statement that the whole war had "unmistakeably arisen from the necessity of vindicating Her Majesty's supremacy and the rights of British native subjects guaranteed by treaty with the Crown." Before that report was received and lauded by Mr. Stafford, the Compensation Court had wrung the truth out of the mouths of Teira and others, and to prevent exposure or avoid inconvenience, the government had eluded the delivery of judgments, in the Oakura and Waitara cases, by compositions out of court which ousted the court from jurisdiction. Richardson's assertion requires no other comment than the remark that if he believed what he wrote, the self-deception possible with man is immeasurable. The papers relating to the sitting of the court were laid on the table by command,

NGATIUENUKU.

Compiled from evidence of Tamati Tiraurau, Te Teira, Ihaia Tamati, Paoa &c. by F.D. Fenton, Senior Judge, C.C.C.
Witnesses Te Teira, Ihara Kirikimero and Tamati Tiraurau, &c.
NOTE: Ngatikura, Ngatiuenuku, & Ngatituiti seem to be identical.

Extract from Return A No. 23 presented to the General Assembly of New Zealand, 24th September, 1866.



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and were ordered to be printed on the 4th Oct., 1866. The genealogies of the tribes, as compiled by the senior judge, Fenton, were laid on the table (24th Sept., 1866), but were not ordered to be printed until, in the session of 1867, Mr. Carleton, on whose motion the other papers were printed in 1866, succeeded (though not without a division in which 18 members opposed him) in causing the genealogies of Teira and Te Rangitake to be preserved in the blue-books.[10] It may be well to glance at the result of the Waitara negotiations. The Crown agent, Atkinson, procured adjournments from time to time. He also impugned the validity of Donald McLean's proceedings. He denied that McLean's appointment had been proved, and urged that McLean's recognition of, and promises to, absentee owners ought to form no precedent for the court, inasmuch as McLean was then striving to please the Maoris. He maintained that one government was not bound by the acts of its predecessors. The court overruled him in each case. On the last point they said: "We doubt very much whether the doctrine expressed is a good doctrine even in politics; certainly in courts of law, in matters of right affecting the Crown, it must be held to be bad doctrine." Forty-two claimants had been admitted when the government deemed it advisable to settle the Waitara investigation, like that of Oakura, by arrangement out of court. There was an adjournment to afford "time and opportunity" for negotiation. On the 10th July, Atkinson proposed to Parris to give to "the friendly residents and absentee natives and half-castes . . . the whole of the block to seaward of the military settlements in the Waitara south block with the exception of the Waitara township . . . the whole of the reserves in the military settlements with the exception of the town belts . . . a fourth part of the land comprised in the township of Waitara outside of

[10] They are printed (1867. N. Z. P. P.; A. No. 23) as "Genealogies of certain Maori Families," without a word to connect them with the disputed Waitara block, or with the sitting of the compensation court. Even so, they are useful to those who follow the threads of New Zealand story. Te Rangitake and Teira belonged to the Ngatiuenuku hapu or section of the Ngatiawa tribe. [1894. See at the end of Chapter ix., pp. 104, 105, the statement made by Judge Fenton in 1885, concerning the compensation Court of 1866.]

that intended for the town, present and future, comprising about 500 acres . . . 125 sections in the Waitara township . . . and also sections on the site of the Hurirapa pah." To these terms Parris, on behalf of the natives, agreed. The land thus stipulated for exceeded 11,000 acres, but its quality was, according to Mr. Parris, very inferior to the 14,000 acres comprised in the military settlers' allotments in the block. The restitution was viewed with anguish by petulant advocates of confiscation of Maori lands. The claims being withdrawn from the court, the defence of the Crown on their merits was not entered upon.

So much has been written about what Colonel Browne called the "comparatively valueless purchase" from Teira that its disappearance from the field of strife deserved special notice. Many volumes have been written to defend that fatal wrong which in 1859 and 1860 plunged the races into war. Others have been written to denounce it. Now for the first time are arrayed together the facts which enable the curious to compare the contention of its champions and of its opponents. The impartial must admit that the rape of the Waitara was an act which can never be sufficiently mourned by those who hold dear the honour of England. Would that it could be blotted out! It may not be; its deadly poison has envenomed every relation between Pakeha and Maori.

Another case brought before the Compensation Court must be recorded. The Rev. Heta Tarawhiti was left in charge of the mission station at Taupiri, on the Waikato river, when the war of 1863 drove all Europeans from the district. Bishop Selwyn testified that no threats deterred Tarawhiti from his duties. Tarawhiti applied (under the Settlements Act and the government proclamations) for a block of land within his native territory, Central Waikato. At a Compensation Court (held Jan., 1867) at Ngaruawahia, Mr. Mackay (for the Crown) admitted Tarawhiti's interest in the lands taken from his tribe by confiscation, but alleged that the claimant had barred himself from compensation by aiding or comforting rebels, or conspiring against the Queen, or joining with conspirators, &c. Such acts under certain provisions of the

Settlements Act of Fox and Whitaker deprived a Maori of compensation.

Mr. Mackay alleged generally that the Rev. H. Tarawhiti had infringed the Act, but when asked by the claimant's counsel to define the charges—"declined to bind himself to anything, or even to state decisively the times and places where the acts to be proved were committed." Such a plea did not find favour in the court, and Mr. Mackay applied for an adjournment of two months, which was granted. He still declined to put his "accusations into form." On the 12th March the case was resumed at Auckland. Evidence was taken generally, the Crown agent still abstaining from formulating his accusations. Again (12th April) evidence was taken. On the 18th Fenton, the senior judge, with Mr. Monro, judge, delivered judgment. They commented on the course which, "in the absence of any specific charge against the claimant," left the court "to abstract from the closing address of the counsel for the Crown the points on which he relied." They might have added that such a course was in direct violation of cherished statutes which guard in England the liberty of the subject. The charges so abstracted were—that the claimant, "though left in charge of the Taupiri station, wandered about ministering amongst rebels; that in his ministrations he omitted the prayer for the Queen and inserted a prayer for the Maori king (so-called); and that he supplied sheep and other food" to rebels. Bishop Selwyn[11] had given evidence, and distinctly stated that he had instructed Tarawhiti to minister to all sick and wounded without fear or favour. As to the prayer for Matutaera, the Bishop also declared that the practice of praying for the principal chief of a place was usual, and was conformed to by the Bishop himself. The claimant averred that he never omitted the prayer for the Queen when using the Book o[illegible] court believed him, and did not think the [illegible] een's name in an

The Bishop was [illegible] for comforting a wounded [illegible] to moderate his judi[illegible] justice, the Bish[illegible] Tarawhiti.

extempore prayer could be construed as "comforting, or adhering to, or aiding rebels." As to the supply of sheep, the claimant stated that he had none in 1863 when the offence was charged. Mr. Ashwell testified that he had given Tarawhiti some sheep in 1860, and had put others in his charge for Matutaera, for the king-maker, and two other natives. Tarawhiti declared that on the marriage of a son, in 1861, he gave him all his own sheep. At the end of 1863, when General Cameron's army devastated the Lower Waikato, the king-maker sent to demand ten sheep as the property of himself and of his king. Tarawhiti disputed the number, alleging that six only belonged to them. The messenger seized and killed ten. In passing, the court remarked upon the singular fact that there were many sheep at the station deemed to be the property of the mission or of a missionary, and that the Maoris respected them during the war. The Bishop declared that he afterwards found 140 sheep "more than he expected." The charge of supplying sheep was set aside. That of giving food was more colourable. The so-called king had taken food at the station. Tarawhiti declared that he had no quantity of food to give. He received but £20 a year from the Bishop. If his store had been large he would have given it. "Let the food perish, so that I remain alive." The court pronounced that "alone as the claimant was among rebels in arms" it could not reasonably be supposed that they would have abstained from supplying themselves, and that submission in such a case was, according to Sir Michael Foster, not criminal. There was one charge made by Mr. Mackay which was withdrawn by counsel. Tarawhiti was arraigned for attending the deathbed of Te Whareupu. Commenting on the graceful withdrawal of the charge by counsel, the court said that Mr. Brookfield "doubtless recognized, with the court, in the conduct of Tarawhiti the same Christian sentiment which induced the Commodore to send thither his medical advisers." The judgment concluded thus:—

"In the judgment of this court the Crown has failed to prove that the claimant has done any of the things mentioned. . . . It was the hope of the court when the case was closed that the Crown agents, having discovered that the circumstances which appeared to them suspicious had been disproved or explained away, would have gracefully withdrawn the

whole of the charges, and admitted the right of this claimant to the compensation which the Legislature has provided for loyal citizens whose property has been taken under power of the New Zealand Settlements Act 1863. This course was not taken. The court therefore feels itself called upon to conclude by adding that the Rev. Heta Tarawhiti leaves this court with his name untainted as a loyal subject of Her Majesty, and with his character high in our estimation as a good and courageous clergyman. We are unable to see in the matter before us any grounds of reasonable suspicion even; and the court is entirely at a loss to discover any grounds for the remarkable pertinacity with which Mr. Mackay has pushed this case, nor can it refrain from expressing its surprise, that that officer, on the occasion of the second adjournment, refused the very reasonable request of Mr. MacCormick, the counsel for the claimant, for a statement of the charges against his client."

It was added that the case was the only instance of its kind which had come under the experience of the judges present. The judgment of the court must have given unalloyed pleasure to many, but to none more than to Bishop Selwyn and Sir William Martin, the personal friends of Tarawhiti.

A case tried before the Native Lands Court in 1869 may be selected to illustrate its working. The anachronism of inserting it here will be outweighed by the convenience of placing it in juxtaposition with the Oakura and South Waitara investigations. In 1869 a cloud loomed at Wanganui. The Rangitikei tribal dispute about land, which had so often been before the government, seemed about to burst into tribal war. The General Assembly, fearing to take a wrong step, had taken none at all. The Ngatiraukawa were the stumbling-block. Warlike, but friendly to the English, they were now brought almost into collision with active allies of the English, Hori Kingi, Rangihiwinui, and others. In July, 1867, Parakaia te Pouepa, a Ngatiraukawa chief, petitioned the Queen. He asked that some competent person might be sent from England "to give life to the tribe," and raise up the treaty of Waitangi, which the New Zealand government was "trampling under foot." The tribe asked that their claims n[illegible]lly investigated; but the government ret[illegible] disputed title under the operation [illegible] Court. Other chiefs sent simil[illegible] The case was complicated, [illegible] and yet, in 1868, the N[illegible] at no decision, and wo[illegible]

In 1866, the Native Minister drew up for Sir G. Grey a statement as to the facts, which a subsequent decision of the Native Lands Court controverted. He assumed that the Ngatiraukawa tribe had rights which, on examination by a court, were found wanting. Whatever the titles to the land might be, it was found that search would have to be made so far back as Rauparaha's invasion of the southern regions of the North Island. The court had to glance at the history of half a century. Colonel Wakefield, in 1839, for guns, tobacco, beads, fish-hooks, apparel, and gunpowder, had procured signatures to a deed which purported to make him lord over islands, bays, streams, forests, and mountains, in the Manawatu district; but it was palpable that many potential signatures were absent, and in the description of the land, territories were included which the signers had no intention to convey. The company's claim was condemned by Mr. Spain in 1843. In process of time the Crown acquired land in the territory, and Maoris gave to Europeans irregular leases, from which the Ngatiapa and Rangitane tribes derived the principal profit, though the Ngatiraukawa and Muaupoko received a share. The death of Taratoa, a Ngatiraukawa chief, who counselled moderation, threatened to embroil the three tribes. The Ngatiapa relied upon the friendship of the Wanganui tribe, without whose support they could not war against the Ngatiraukawa. To avert a fray, Dr. Featherston, in 1863, was commissioned to mediate between the tribes. Arbitration failing, a suggestion was made by the Ngatiawa and Rangitane that the Crown should buy the disputed land, and distribute the purchase-money equitably between the tribes. The Ngatiraukawa held back for some time, but at length a majority, led by Ihakara, consented—a section of the tribe still refusing to accede to the terms. There were protracted meetings in April, 1866. A deputation of ten chiefs of the other tribes prevailed on the Ngatiapa to agree to terms. The purchase-money was fixed at £25,000, each of the two large tribes receiving two-fifths, the petty Rangitane receiving one-fifth. But many delays intervened before (Dec., 1866) the money was paid. Petitions and meetings were numerous. The government intended to reserve a percentage of the proceeds of land

sales to content, if possible, the recusant section of the Ngatiraukawa. Parakaia still advocated an appeal to the Native Lands Court. An English traveller, Sir C. Dilke, saw a meeting at the Parewanui pah in Dec., 1866. A thousand Maoris were there armed. The heralds summoned them as the Greeks were summoned on the plains of Troy. The traveller wondered at the resemblance of the runanga to the Homeric council. Though the disciple of an unheroic school, he saw, in Hunia te Hakeke, the Achilles; in others, the Nestors of the Maoris. "The Argive and Maori leaders are one in fire, figure, port, and mien," he said. At one time Hunia seemed about to strike a Ngatiraukawa chief, but the genius of wisdom at the last moment stayed the hand of the dusky Achilles. The meeting ceased when the bell began to toll for evening prayer. Sir C. Dilke had been told that there would be no blows, but was full of doubts when Hunia and Karanama poured upon one another a torrent of Homeric abuse. A day intervened, and the chiefs, at the close of it, passed the night in solemn conclave. On the following morning the runanga was resumed. Hunia, having prevailed in private, was gracious in public. The sale must be completed, lest the world be "set on fire by intertribal war. What is the good of mountain land? There is nothing to eat but stones. Granite is a hard, but not a strengthening food; and women and land are the ruin of men." Again there was oratory mingled with bardic strains interwoven with the words of the speakers. The deed of sale was borne to the flagstaff by Hunia and Ihakara; friendship was sworn, and the deed was signed by hundreds of men and women. Rangihiwinui rode with Dr. Featherston to Wanganui for the purchase-money; and grief came over the quiescent at the camp. A chief's wife chanted a lament, whose burden was that nature was still gay, the sun would shine, the trees would bloom, the fruit of the earth would be found, but the Maoris would melt away from the homes of their fath[illegible] ayment of the money was postponed till the [illegible] that the sun might shine upon the deed. [illegible] dance was performed, and feasting [illegible] llowing morning. Hunia said, [illegible] t all dispute was ended. The

chief, assuming that every Englishman was loyal to his Queen, charged the visitor to tell her that the Maoris would fight for her. "My cousin Wiremu died fighting for her. As he died, we will die if need be—I and all my chiefs. This do you tell our Queen." The Englishman admired the "noble eloquence and singular rhetoric art" of Hunia; but it is probable that, if the chief could have foreknown the unchivalrous terms in which his auditor was afterwards to reflect upon the Queen, he would have poured another kind of eloquence into his ears. But even the Parewanui meeting did not allay doubts and strife. A section of the Ngatiraukawa still demanded inquiry. "Let the Land Court try their rights." But the Governor's advisers shrank from the test. The Native Minister, Mr. J. C. Richmond, reported in July, 1867, that the case was one of "compromising an insoluble quarrel between half-civilized men," whose titles all rested on recent violence, and who were prone to fresh violence as a last resort. The policy of the government was to allow delay in winding up the transaction, in order that as many as possible of the malcontents might be brought to agree to it. Governor Grey had tried his eloquence in Maori tongue upon Parakaia in 1866, but in 1867 was requested to forward petitions to the Queen, asking for justice to Parakaia and his tribe. He wrote, in Aug., 1867, that he would himself have wished to submit the claims to a court, whose decision might teach the Maoris to submit all disputes, however complex, to a judicial tribunal. On the other hand, the ministry urged that any decision would be challenged by the losers, and might provoke strife. As the local government had become responsible for order, it was difficult to interfere with their views, and as the case had attained notoriety, Sir G. Grey thought it improbable that injustice could be done. The Maoris, by petitioning the Queen, had shown that they understood constitutional methods.

By an amending Act (1867) the Governor was empowered to refer to the court the claims of the natives who opposed the sale of the block, and in process of time the Rangitikei-Manawatu claims were submitted for judgment. Sir G. Bowen, in reporting the result, declared that it seemed to be generally agreed that their previous exclusion from

jurisdiction had been unfortunate. The chief judge, Fenton, presided. A few Maori policemen preserved order. The Attorney-General represented the Crown, and counsel spoke for the petitioners. Eighty-four Maori witnesses were examined. The trial lasted 45 days. The wars and conquests of Rauparaha; the rights lost and won; the revival of the claims of restored warriors; the resistance of those claims by others, for whom *obscena pecunia* mingled its charms with alleged Maori customs—all these matters were before the court. Tamihana Te Rauparaha, son of him into whose thoughts the proverb said it was hard to dive, appeared as a witness. The Pakeha Maori, F. E. Maning, delivered the final judgment of the court at Wellington on the 25th Sept., 1869. It coursed over fifty years. The Ngatiapa tribe were once possessors of the land. About 1818, Rauparaha, with fighting men of his own (Ngatitoa) tribe, suspicious of the growing power of the Ngapuhi, whose acquisition of firearms threatened to gratify Hongi's lust for empire, induced some Ngapuhi warriors (of whom Waka Nene was one)[13] to accompany him, with their dreaded weapons, to the south on a tour of conquest. From Kawhia, carving his unchecked way, he passed through the forests (through which General Chute in later years was to march) ravaging, as he reached it, the territory of the Ngatiapa, who eluded the terrible firearms, and sought fastnesses in the hills. Conquering at Otaki and Cook's Strait with Maori ferocity, the wily chief looked round for means of retaining what he had seized. The Ngapuhi, with their firearms, might wrest from him the territory he had gained by their aid, unless he could fortify himself by new alliances, and place between Otaki and the distant Ngapuhi a cord of allies. "It is pertinent to remark," said the judge, "that Rauparaha, famous for wiles and stratagems, either conquered by force, or made tools of by policy, or destroyed by treachery, almost every- [illegible] he came into contact with." He established amicable [illegible] Ngatiapa on his homeward route. He [illegible] warriors from Kawhia with gracious [illegible] being thrown in to [illegible] them as slaves. Having

parted with his dangerous friends, he collected his tribe for a migration to his southern conquests; and, to create an additional barrier against invasion from the north, invited the Ngatiraukawa tribe to settle on some of his new territory, to which he himself proceeded after his conquest. In separate bands, from time to time, the Ngatiraukawa, under the leading of Whatanui, complied with the invitation. As they passed they killed or captured straggling members of the Ngatiapa tribe, whose sagacious war-chief withdrew the main body of his people to the hills, anxious to avoid a feud with Rauparaha, with whom he had so recently made friendly arrangements. The judge pronounced that no killing or enslaving acts of the roving Ngatiraukawa gave them any rights, according to Maori usage, over Ngatiapa lands. The paramount chief, Rauparaha, would not object to such atrocities so long as none of his own tribe, the Ngatitoa, were involved. Neither would the Ngatiapa conceive that the ravagers were exceeding the bounds of Maori usage. They would reserve the right to retaliate if they should become strong enough. They were neither conquered nor looked upon as conquered. The small Rangitane tribe, whose own lands were adjacent to those of the Ngatiapa, were interfused with the Ngatiapa tribe when the scourge of Rauparaha's first raid swept the land. On his second journey these Rangitane, weak in the field, conceived the idea of destroying the terrible conqueror by stratagem. They nearly succeeded. Almost all the companions of Rauparaha, and four of his children, were slain, but he eluded the fate prepared for him, and never forgave the Rangitane. With others he made peace. He encouraged the Ngatiapa in procuring firearms, and ensured their aid as a barrier against possible invasion from the north. But the Rangitane he followed with bloodhound tenacity. He slew their fighting men, and made their name a memory in the land of their fathers. For a time they disappeared as a separate people. But within the bounds of Ngatiapa territory, near to their hereditary and ravaged homes, t reappeared as half-castes, or children of intermarri between Ngatiapa and Rangitane, and became entitled Maori usage to the privileges of their hosts. About 1 the Ngatiraukawa immigration was complete. Ka

Waikanae, and the neighbourhood were the principal homes of the Ngatiraukawa, while under Rauparaha's advice they cultivated flax to exchange for firearms with European traders. Subsequently he apportioned other lands to them, but no evidence was produced to show that he made grants to them within the Ngatiapa boundary. To have done so would, according to Mr. Maning, have been inconsistent with Maori usage. The Ngatiapa were allies whom he was strengthening. The land between the Manawatu and Rangitikei rivers was theirs, by ancient tenure, and by his own friendly recognition. But after 1835, three "hapus" of the Ngatiraukawa tribe were proved to have been found settled between the rivers, in friendship with the Ngatiapa, owning lands, sometimes in homesteads under Maori usage, sometimes jointly; aiding in war expeditions, and, as witnesses averred, "eating out of the same basket" with the Ngatiapa. The claims of the petitioning Ngatiraukawa, were—1st, that the land conquered by Rauparaha was given by him to the Ngatiraukawa tribe; 2nd, that failing proof of right by conquest, they claimed by any right accruing to them, whether by occupation or otherwise. The counter-contention was, that the Ngatiapa were not conquered, that as a tribe the Ngatiraukawa had no right or interest in the land, and that the Crown had purchased the land from the rightful owners. The judgment was that Rauparaha had not made a grant of land north of the Manawatu river to the Ngatiraukawa; that he had given land on the south, and that the grantees, in the language of one of the witnesses, "stretched the grant of Rauparaha, and came over the river;" that the Ngatiapa, much as they valued land, valued fighting-men more, and welcomed the three "hapus" who were found settled north of the Manawatu; and that the guests, thus received, acquired, by Maori custom, well-known and recognized rights in the soil, constituting them owners[13] along with the Ngatiapa

[13] 1894. After the publication of this History the author, observing in Sir Henry Maine's great work on Village Communities, that he had [illegible] inferred that the process thus proved to have existed in New [illegible] ave grown up by force of circumstances in India, called Sir [illegible] tion to the facts proved in New Zealand. He replied—"I [illegible] ged to you for your letter calling my attention to the [illegible] ent absorptive power which I assume to have existed

tribe as to the disputed lands. The Ngatiraukawa, as a tribe, were found to have no right or interest in them; but the rights of sections of the tribe were recognized by the issue of certificates of land as follows: "To thirty-seven named members of the Ngatikauwhata 'hapu,' 4500 acres; to five of the Ngatikahoro and Ngatiparewahawaha 'hapus,' 1000; to twenty enumerated chiefs, 500; to one named chief, 200—as marked in the survey plan before the court."[14]

The Rangitikei-Manawatu case affords a good example of cases brought before the Native Lands Court. The chief judge thought that the court had "settled cases of much greater intrinsic difficulty, and possessing far more powerful extrinsic obstacles, and had never yet, even at Taupo, had a decision disputed, or obedience delayed." Whether he undervalued the difficulty of the case or not, his testimony as to the acceptance of decisions by Maoris gives further proof, if proof were needed, of the folly of the government in refusing to allow the Waitara case to be tested by law. It is important to notice that in recognizing the rights of "hapu" settled by permission on Ngatiapa territory, the court affirmed that Te Rangitake would have acquired positive rights at the south Waitara block by his settlement there, under tribal sanction, even if he had had none before.

in the Indian village communities still survives in New Zealand, or at least may be clearly traced. I have found your History of N. Z. in the club, and though I have only had time to examine it superficially, I see at once that there is much in it particularly in the chapter relating to the Native Lands Court, which merits my attentive consideration. . H. S. MAINE." Alas! the great author and jurist has left the scene which he enriched with his labours.

"The judgment set forth mainly the arguments hostile to the Ngatiraukawa. It is right to mention that not only Mr. Travers, the counsel for that tribe, but others versed in Maori lore, de[illegible] that the Ngatiraukawa were hardly treated; that the Ngatiapa [illegible] conquered by Whatanui; and that it was through his [illegible] ally Rauparaha prevented from utterly destroying the [illegible] Muaupoko Whatanui befriended, but who afterwards [illegible] turned upon tribe of their benefactor. The question hinge[illegible] upon the [illegible] in which Rauparaha agreed with his allies to [illegible] territory which his right of conquest extended. It [illegible] would work against the interests of his kinsmen [illegible] aid he had so long and earnestly besought. Th[illegible] justify the title "[illegible] to the distr[illegible]

Shortly after the delivery of the judgment in the Manawatu-Rangitikei case, Donald McLean entered into friendly relations on behalf of the government with the Maori king. There were still some members of the Ngatiraukawa tribe who strove to resist the survey of the land. One Meritana[15] was sentenced to imprisonment. The Maori king, Tawhiao, showed his good faith to the English, and the reality of his office among the Maoris, by directing the Ngatiraukawa tribe to abide by the decision of the Lands Court. The surveys were peacefully resumed and a free pardon was granted to Meritana.

The reader may here be reminded of two important cases in which the judgments of the Lands Court have been interwoven in these annals; viz., the Orakei case,[16] which explained the convulsions of the Auckland tribes before and during the wars of Hongi, and the Te Aroha case[17] which resulted from the wars of Waharoa the father of the king-maker.

[15] The "Wellington Independent" (7th Dec., 1869) reported that Meritana was captured by Mr. Buller, two constables, and a score of natives, "after nearly an hour's scuffle," and that the "Hon. Mr. Fox was in the district and assented to the proceedings taken."

[16] Vol. I., pp. 31-2.

[17] See Vol. I., pp. 31, 133-135.

CHAPTER XV.

1868—1869.

CONDITION OF THE MAORIS IN 1868.

THE Native Minister procured for the new Governor copious information from officers in "native districts." Maoris were not slow in testifying their loyalty. Old Poihipi Tukeraingi, from Taupo, was first in the field, having written his address before Sir G. Bowen reached New Zealand. Te Puni, the Ngatiawa chief, under whose protection it was found feasible to settle at Cook's Strait, and without whose aid Colonel Wakefield could not have transferred the settlement from Petone to Te Aro, told the Governor that old custom had passed away, and that most of his kindred had in recent strife been led into Hau Hauism, or had become debauchees. Te Puni was isolated in Christianity within a quarter of a century of embracing it with his tribe. The Maori king had recently inclined to ancient custom by abandoning his name Matutaera (Methuselah), and adopting a pure Maori name—Tawhiao. A loyal chief, improving the illustration used by Sir G. Grey, that he would dig around the Maori king till, like a tree, he fell, said to Sir G. Bowen: "O Governor, Matutaera is now like a single tree left exposed in a clearing of our native forests. If left alone it will soon wither and die. My word to you, O Governor, is to leave Matutaera alone." Wiser than in 1860, or in 1863, the colonial ministry had reached the same conclusion.

Early in 1868, summoned by Tawhiao, many chiefs assembled at Tokangamutu in the Ngatimaniapoto territory. Rewi, in enigmatic language, whose intent could only be surmised by Europeans, declared, "Fighting must cease. The sale of land must cease. Leasing land must be put a stop to. Such doings as selling and leasing must cease; then only will peace be made." The meeting was deemed ominous. It was feared that malcontents might combine against the new Governor. But between the sullen retirement of Tawhiao and Rewi and the savage incursions of the Hau Hau fanatics there was no coherence. Violent men found violent deaths. By war and disease Maoris were decimated year by year. Sir G. Bowen had hardly assumed office when the ministry apprehended troubles about the Rangitikei-Manawatu block. Mr. J. C. Richmond (Native Minister) wrote urgently to Hori Kingi, to Parakaia of Ngatiraukawa, and to Rangihiwinui of Muaupoko. The ministry began to look with favour on an appeal to the Native Lands Act, which had hitherto been avoided. The court would settle the land dispute: let no blood be shed. The Governor looked to Rangihiwinui confidently, as one whose habit it was to maintain law and order. Parakaia answered that he had already exerted his influence, and was pleased that the court was about to sit. Quarrelling would not be allowed. Rangihiwinui said that he had urged the tribes to remain quiet.

The condition of the Maoris has been partly traced in previous pages. Their numbers were diminishing, in some places with frightful rapidity. The Waikato, who under Te Whero Whero (in spite of their defeat by Hongi's fire-arms) were regarded as the most powerful as well as most numerous of Maori tribes, had fallen from their high estate. Numbered at 18,400 in 1845, there were found only 2279 on their old territory in 1867. On them the waste of war fell with special severity. The starved appearance of captured women and children betokened that the desolation of homes had been an effective weapon in General Cameron's campaign. There were exiles of their race wandering among friends, but the people whose gigantic proportions caused the wonder of General Pratt as he saw

them on the field at Mahoetahi had in seventeen years dwindled to a dispersed remnant, who, if their hereditary abodes told truth, had been eight times decimated under the influence of civilization and war. The Ngatimaniapoto known as a Waikato tribe had suffered less than their northern brethern, and their lands in the Waipa had barely been touched by confiscation, although Rewi's abode, Kihikihi, had been seized.

The tribe second in importance and numbers in 1845, the Ngapuhi, had now become the first. Yet they had decreased from 12,000 to 5804. Never at war against the English, the chiefs had frequently offered military aid against their countrymen. The same rate of decay marked the fortunes of other tribes, but as divisions and subdivisions obtained at different periods varied in the reports, it would be difficult to make trustworthy deductions from them. The general decline is told in the totals. In 1845 the estimate was 109,550; in 1848 it was 100,000; in 1858 a census gave a return of 56,049; in 1867 the same test showed only 38,517; but there were many whom no census collector found in the forests. Yet, amid the precipitous ruin of their nation, old men stood forth to prove the hardiness of the race. Waka Nene, in the north, with more than eighty winters weight upon his head, still attended meetings, and with firm figure and voice declared that, as at Waitangi, so now, he pronounced that it was good for the Maori to accept the sovereignty of the Queen and the law of the Pakeha. Te Puni, his Wellington contemporary, similarly inclined towards the English, had also passed the ordinary term of human life. The Arawa had suffered in the service of the government, and were numbered at less than 2000. The Ngatiporou, if former returns were trustworthy, had decreased less rapidly than other tribes. They were 4500 in 1867.

The friendly tribes were reported to [illegible] in the North Island: the Rarawa, 2671; Ngapuhi, [illegible] Ngatiwhatua 709; Wanganui, 1427; Ngatiapa, 32[illegible] [illegible] 250, Muaupoko, 125; Ngatikahungunu, 29[illegible] [illegible] 1951, Ngatituwharetoa, 500. The "hostile" were [illegible] Ngatimaniapoto, 2000; the Uriwera, 500. One tribe [illegible] up as the Ngarauru, "m[illegible] returned rebe[illegible] The

"mostly friendly" were said to be Ngatiawa, 1952, many Hau Haus; Ngatiruanui, 750, many Hau Haus. The "partly friendly, partly hostile," were—Ngatimaru, 3670; Ngatiterangi, 1198; Waikato, 2279; Taranaki, 400; Wakatohea, 578; Ngatiraukawa, 1071; Rongowhakaata, 1000; Ngatiporou, 4500—many of each tribe being Hau Haus. In the Middle Island the Ngaitahu and Ngatimamoe were numbered at 1500, all friendly.

Amongst the reports furnished to the government was one by the Pakeha Maori, F. E. Maning. He summed up the state of affairs as "a doubtful armed truce," the result of physical exhaustion on the part of the natives, and pecuniary expenditure which the colonists found it impossible to continue. Natives alleged that acts by Europeans drove them to arms; but knowing the abounding pugnacity of his comrades of old days, Mr. Maning thought that they rushed to war under the conviction that, unless Pakeha progress could be checked, the tribes would be trampled under foot and robbed of their country. The preference of Rewi's counsels to those of Te Waharoa proved how truly Mr. Maning gauged the warlike obstinacy of the Maoris, but did not affect the provocation they received. To the Native Lands Act of 1865 he looked as the only possible curative for their national ills. Already they valued its provisions, and in one district a tribe by no means numerous was receiving rents amounting to £40,000. Hau Hauism was not, in his opinion, worthy of notice. Various officers reported on various localities. The Maori king still maintained "the boundary line," "Te Aukati," over which no European was allowed to step, and which even a Maori friendly to the government could not pass. The Hau Haus at Tauranga imitated Tawhiao by establishing an "Aukati" in March, 1868, and it prevented the civil commissioner from procuring information as to disaffected districts. The resident magistrate at Napier thought the New Zealand government had no more to fear from Hau [illegible]ism than had that of the United Kingdom from [illegible]ism, to which Hau Hauism bore "in many respects [illegible] emblance." The superstition was, he said, [illegible]doned when in March, 1866, Sir G. Grey [illegible]d by his personal influence induced Te

Hapuku" with all his followers to take the oath of allegiance and surrender their flags. After the Waikato war, even friendly natives became lax in religious observances; and debauchery increased as the Maoris associated more and more with the lower classes of Europeans. No enthusiasm had been excited amongst the natives by the Maori Representation Act. Some said (at Kororarika) that they ought to have been consulted as to the number of representatives. One chief said that there would be—

"A word to attend to if the Maori members were to be equal in number to the European; but what were four amongst so many? Where will their voices be as compared with the Pakeha voices? How are the Maori members to understand the Pakeha,—the Pakeha the Maori? Is each man to have an interpreter by his side? If not, are they to listen and not understand? to speak without being understood? Give the Aye without knowing what they say Aye to; and, by-and bye, when some new Act bearing upon the Maoris is put in force, be told, Oh! you assisted to pass it! It will not do."

There was less apathy amongst the Ngatiporou. At Taranaki, Mr. Parris reported that the development of representation was rendered impossible by the condition of the district during the war, and by the general confiscation of territory. The Native Lands Court in that unhappy district was a dead letter. There were no native lands to deal with. The treaty of Waitangi was overthrown. All Maori rights were deemed extinct, and the Settlements Act was the vehicle for redistributing the land by sale, by gifts to friends, by dole to returning rebels. If an inconvenient judgment of the Compensation Court was apprehended, the ministry eluded it by secret composition, and everything was deemed satisfactory.

Tawhiao and Rewi were supposed to be peacefully inclined if not interfered with in their pale, or Aukati. But contributions still flowed in to Tawhiao's exchequer, and the name of king was not without adherents. The Provincial Council at Auckland in the end of 1867, had resolved that to "secure the pacification of the country and the welfare of both races a general amnesty should be proclaimed with as little delay as possible." T government consulted McLean, who apprehended d from such a measure. Stafford (Feb., 1868) said th ministry could not advise the grant of an "indiscri

amnesty of all political offences." There were 173 political offenders at the Chatham Islands, whom 82 women and children had been permitted to join. Eleven had been allowed to return. The Under-Secretary of the Native Department, Mr. Rolleston, had recently inspected the Chatham Islands. The prisoners complained that they were compelled to work when ill. An old chief, declared by the doctor to be in good health, was thought by Mr. Rolleston to be in bad health, and the magistrate for whom the old man worked agreed with Mr. Rolleston. A sergeant, questioned by Mr. Rolleston, admitted that he might "have occasionally used rough measures in cases where the doctors said the prisoners were shirking their work on the unfounded plea of sickness. On their refusing to turn out I may have given them a kick." Mr. Rolleston appealed to the resident magistrate against such "insult and tyranny." The majority of the prisoners laboured for the government. A few worked under contract with residents on the island, and thus, it may be hoped, escaped the sergeant's boot. Horomona Tutaki was recommended to mercy by Mr. McLean. His son Tamati Petera was not so fortunate. Tamati was ill, and Horomona begged that he might take him also to his home. Mr. Rolleston found Tamati too ill to be moved. "On asking Horomona whether he would stay and take care of him, he said he would. The sight of the two men with tears in their eyes was one of the most touching I have seen."

Such was the aspect of the Maori race when Sir G. Bowen arrived. His predecessor had left the land at rest. War there was none; but Hau Haus of the Uriwera tribe had been lurking near Opotiki, and were supposed to be bent on mischief. They had been encountered by military settlers (8th Feb., 1868) and six of them were killed. On the west coast, under Titokowaru, a large meeting held at Te Ngutu-o-te-manu, served to show the difficulty under which an unskilled governor must labour in obtaining information. Mr. Parris, who had in 1859 lent himself to the conspiracy [illegible] Te Rangitake, reported in April, 1868:—"I look [illegible] movement of the tribes in this province in con- [illegible] as the best earnest of their desire for [illegible] months murders had been com-

mitted, property was stolen, Maoris were assailed, and Titokowaru was denounced as a rebel.

Schools had ever been ardently sought for by the Maoris. The Arawa made moving appeals. They held meetings, and though poor, pledged their substance. Land was given by the chiefs without stint. In wading through the records of the time one finds official statements which tell their own story in a few words:—"Sir G. Grey (Feb., 1867) is supporting a school at his own expense, so that if the views of the committee can be carried out, schools will be available for children in the Maketu, Rotoiti, and Rotorua districts. . . . The movement originated altogether amongst the natives, and they seem extremely anxious that their children should have the advantage of English teachers." At a meeting of chiefs £100 a-year was guaranteed at Maketu, for Arawa schools, and a like amount was asked from the government. One chief undertook to call on each parent, weekly, for the school fee of sixpence for each child. At one place a resolution, carried unanimously, enumerated the chiefs who were to contribute towards a schoolmaster's salary.

But even in the adoption of European usages there was Maori peculiarity. A European tenant failed to pay his rent. The Maori landlord offered to fight for the amount "double or quits." The tenant, a powerful man, was willing. In the struggle the settler was severely hurt and yielded. The Maori forgave the debt, saying, "Keep it to pay the doctor." A chief surrendered, and was asked why he did so, when but a few days before he had been fighting. "The fact is, inflammation has damaged my right eye, and I can no longer shoot properly. In that last fight with you I missed two men whom I ought easily to have killed. The next day I went pigeon-shooting to get my hand and eye into unison, but I missed several times. So, as I could not shoot anybody, I came in and took the oath of allegiance."

Such being the condition of the Maori race early in 1868, it may be well to glance at the condition of the colonists. From 172,158 in 1864 the white population had increased to 226,618 in 1868. Sixteen thousand homes had been acquired in the same period, and there were more than 54,000 inhabited houses in 1867. Sheep had multiplied

from 2,761,583 in 1861 to 8,418,579 in 1867; cattle from 193,285 to 312,835; and pigs from 43,270 to 115,104 in the same period. The postal revenue had risen from £39,000 to £55,000. The value of exported gold was £1,800,000 in 1864; £2,700,000 in 1867. Wool exported was valued at rather more than £1,000,000 in 1864; more than £1,500,000 in 1867. The ordinary revenue had gradually risen from £815,000 to £1,225,000. The territorial, more fluctuating under the operation of confiscation seizures and the Settlements Act, was in 1864, £714,770; 1865, £500,045; 1866, £776,429; 1867, £561,730. An electric telegraph was made in 1866, and thousands of messages forthwith coursed along its veins. In one item there was diminution. The withdrawal of British regiments contracted the shipping returns. The inward tonnage had fallen from 426,000 tons in 1864 to 309,000 in 1867. The increase of population was mainly in the Middle Island. Auckland and Taranaki were almost stationary, while Wellington, as was natural for the metropolis, had increased. But Canterbury with its offshoot Westland, and Nelson, had grown; while Otago, though not leaping forward as in the first flush of the goldfields excitement, was the most populous province. Immigration had declined after the richest goldfields were occupied or exhausted. The maximum nett gain by immigration had been 35,000 in 1863. In 1867 it was nearly 5000. Judged by the standard which measures welfare by figures only New Zealand was rapidly rising. In the catalogue, the men, the goods, the gains of the colonists could go for much. But the "higher" gifts which bounteous nature hath inclosed in man, are sullied by the absorbing chase of gold. All may not be demoralized, but the restless activity of its votaries introduces a low morality in private circles, and, eventually, in the government.

The immigration to Otago had cast upon New Zealand its share of the doom which can "place thieves, and gi[illegible] them title, knee, and adoration, with senators on t[illegible] bench." Yet, as in the man corrupted by temptation [illegible] supported by conscience, so in the community [illegible] side of the base a good genius will strugg[illegible] whom love for their fellows had sent as miss[illegible]

Maoris laboured also among their European kin. Bishop Selwyn was eminent. Not even his stand against the mean desires of the Taranaki settlers alienated public respect. He had found earnest fellow-workers in his Master's vineyard. With some of them the reader is acquainted. The names of Henry Williams, Archdeacon of Waimate; his brother William, the Bishop of Waiapu; Octavius Hadfield and Robert Maunsell ought not to die while Christian heroism is honoured among men. The devoted demeanour of native congregations and the deep-toned unison of Maori responses, once everywhere observed, had, in many places, been overthrown; but a Church had risen up amongst the Europeans. Bishop Selwyn attended a conference of Bishops in England in 1867. He was invited to fill a vacancy in the see of Lichfield. The Prime Minister and, it was said, more august persuasions, represented consent as a duty, and he severed his connection with the land of the Maoris. It may be doubted whether it was on the whole the most desirable ending of his apostolic career in the south. But his prayers for justice to the Maoris having been spurned by the government, and the faith of Maori disciples having been crushed under sense of wrong so that some looked upon him as an enemy, he may have accepted the belief that he could no longer serve his Master best in New Zealand. He did not welcome the change. He said at Oxford: "Twenty-six years ago I was told to go to New Zealand, and I went. I am now told to go to Lichfield, and I go." He paid a parting visit to the colony in 1868. J. C. Patteson, who had been made Bishop of Melanesia in 1861, went from Norfolk Island to see his spiritual father once more, and described Selwyn's departure from Auckland. There were "crowded streets and wharf (for all business was suspended, public offices and shops shut), no power of moving about, horses taken from the carriage as a mixed crowd of Maoris and English drew it to the wharf. Then choking words and stifled efforts to say, God bless you, and so we parted." In this world they were to meet no more. The General Synod of the Church in New Zealand presented to their retiring head an affectionate address, and to him was entrusted the duty of selecting the future Bishop of Auckland. The title of Bishop of New Zealand

expired with his tenure of office. An address from a Maori congregation deserves a place in these pages. It was presented by the Rev. Matiu Taupaki, who led his countrymen in their efforts to do honour to the memory of Henry Williams:—

"Sire, the Bishop. Salutations to you and to our mother (Mrs. Selwyn). We, the people of the places to which you first came, still retain our love for you both Not to see you is a grief to us, and here we shall not see you again. We heard gladly that you were to return to us. Great was our joy. And now, hearing that it cannot be so, we are again sad. Sire, great is our affection for you both who are now being lost to us. But how can it be helped, seeing that it is the word of our great Queen? Our thought regarding you is that you are as the poor man's lamb taken away by the rich man. Our parting wish for both is this—Go, and may God preserve you both. May he also provide a man to take your place of like powers with yours. We shall no more see each other in the body, but we shall see one another in our thoughts. But we are led, and protected, and sanctified by the same Spirit. Such is the nature of this brief life, to sunder our bodies; but in a little while, when we shall meet in the assembly of the saints, we shall see each other, face to face, one fold under one shepherd. This is our lament for you in few words:—

Love to our friend who has vanished suddenly;
Is he a small person that he was so beloved?
He has not his equal amongst the many;
I long for the food which he dispensed. . ."

The special history of the Church of England in New Zealand will properly be sought in works devoted to that subject. The characters of Samuel Marsden, Bishop Selwyn, Henry Williams, and a few others who belonged to that church, have made it necessary to weave into this narrative much which would under other circumstances have been excluded. Without Marsden the Maoris might not have welcomed the Gospel. Without Henry Williams, Hobson could not have negotiated the treaty of Waitangi. But for the manly protests of Selwyn, Sir W. Martin, and Archdeacon Maunsell, the nefarious schemes of Earl Grey might have found fruition in 1846. Without Selwyn John Coleridge Patteson might not have visited Melanesia. But the internal organization of the various Christian denomination[illegible] general history. When the State assu[illegible] public conscience is absolved from [illegible] highest truths it rem[illegible] fessing that where [illegible] ate ought to

do nothing, it applies to the moral world a rule which it dares not to apply to the physical. It will have its reward. Indifference, though pleaded as a necessity, degenerates into contempt. That which the State neglects or despises becomes an object of aversion in the eyes of the ignorant, the worthless, and the designing. The idle plea that the State cannot support one form of religious teaching without persecuting others is refuted in modern times in many lands. An honest attempt to provide secular education at the cost or partial cost of the State, and to afford ample facilities for the inculcation of religious truth by parents or friends of children, has never been unsuccessful. But neglect and contempt of the higher interests of man has been followed in some cases by a crusade on the part of the government against their promotion, and thus in the name of liberty of conscience an almost unmatched violation of it has been perpetrated.

Though no details are needed about ecclesiastical affairs in New Zealand, it may be well to mention that during Selwyn's primacy various bishoprics were created, over one of which William Williams presided at Waiapu.

It need hardly be said that in founding schools and colleges the bishop was untiring. At Auckland, Sir W. Martin aided in preparing Maori students for the ministry; and thus without money and without price performed services which in this world neither could nor would be rewarded. Of the Maori clergymen thus trained, Bishop Selwyn was able to say, when he bade farewell to New Zealand: "Our native clergymen need not return, because they have not swerved; it may be said of each of them, like Milton's seraph Abdiel, 'Among the faithless, faithful only he.' Though they be few in number, they have ever been faithful to that faith which they have espoused, and still the native church is full of vitality and hope." In New Zealand no apostate priest abjured his faith. The Carmagnole of the Hau Haus was terrible, but it had not the ingredient which the miserable Gobel added to the horro of 1793. In the other provinces the Church of Engla had made progress, but was not specially endowed as Canterbury, the scene which Gibbon Wakefield had chos for his experiment, when, reflecting on the higher aspe

of national colonization, he deliberately accepted it as the duty of colonizers to make adequate provision for religion.

In Otago, for the same reason, with an impartiality which redeemed him from all suspicion of bigotry, if not of serious preference in matters of faith, he promoted the formation of a Scotch Presbyterian settlement. The Wesleyan body sent early missions to the Maoris, and, when European population increased, Wesleyan pastors, as usual, laboured strenuously in their vocation. In every province their functionaries multiplied with the expansion of population. A Roman Catholic mission was sent to the islands, when it was hoped that they might become not an English but a French possession. When the French scheme of annexation was frustrated in spite of the French Bishop's opposition, which was adroitly veiled when made, and was denied with the hardihood of the sinning St. Peter when its acknowledgment seemed impolitic—a hardihood which the French Peter did not repent—the Roman Catholic mission laboured with earnestness. At Wellington there were places of worship numerous and various enough to meet the wants of a metropolitan population. Taranaki, retarded in many ways by the sins of the people, was not without places to preach in, but preachers were sometimes wanting. Te Rangitake had a church at Waitara, which did not decay, but was burnt. There was some sense of the fitness of things in the destruction. When the congregation were to be slaughtered or driven away, there would have been an incongruity in sparing their church. The work was to be thorough. Thus only Colonel Browne and his ministers thought they could maintain the dignity of their country and the honour of the Queen.

The mission in Melanesia was in a manner connected with New Zealand, because its first founder, Selwyn, and its martyr, Patteson, laboured there to instruct pupils whom, at the risk of life, they gathered from the islands of the Pacific. The tale, however, is not so closely connected wit[illegible] story of New Zealand as to demand full narra- [illegible] pages. It may be mentioned that in 1847 [illegible] M.S. "Dido," to explore. He [illegible] to act as chaplain and in- [illegible] chaplain of the "Dido"

remained at Auckland. Soon afterwards, in a petty schooner, the "Undine" (21 tons), he commenced a series of voyages in the Pacific. In process of time larger vessels were procured. During Selwyn's visit to England in 1854, John Coleridge Patteson dedicated himself to the work in Melanesia until his martyrdom. In 1856, Patteson had visited with him twenty-seven islands, and was able to preach in their own tongues to Maoris, Solomon Islanders, and others. Pupils from the islands were collected and taught at Kohimarama, near Auckland, until in 1867 the establishment was transferred to Norfolk Island.[1] Patteson conversed in more than twenty languages with his pupils. In 1861, he was consecrated Bishop of Melanesia by Selwyn and his brother bishops of Wellington and Nelson. In 1868, Patteson joined the New Zealand bishops in a farewell address to Selwyn when he left New Zealand for Lichfield; and, when his child in the spirit was slaughtered in vengeance for the crimes of others at Nukapu, in 1871, it was observed that Selwyn seemed suddenly older. But his faith was triumphant over grief; for though his voice was tremulous, he added to the words, "We thank Thee for all Thy servants departed this life in Thy faith and fear,"—"especially for John Coleridge Patteson."

The provinces in New Zealand were not idle with regard to public education. There were colleges, or high or grammar schools, at Otago, Canterbury, Nelson, Auckland, and Wellington. In 1867, the Rev. F. C. Simmons, rector of the High School at Otago, apprehending that the time was not ripe for founding a local university, petitioned the Assembly in favour of state-founded scholarships for New Zealand youths at English universities. Wentworth had in 1851 induced his countrymen to found the University of Sydney, and in 1853 the colony of Victoria followed the example of New South Wales. [illegible] Houses in New Zealand appointed select commit[illegible] Many witnesse[illegible] advocated the foundation of a univ[illegible] New Zealand

[1] The descendants of the mutineers of the [illegible] carried to th[illegible] island. On the 7th Sept., 1856, Bishop Selw[illegible] the rite of confirmation (at Norfolk Island) to eighty five [illegible] descendants of Adams and his brother outlaws. Adams had [illegible] prompta[illegible] Bishop Selwyn's wife [illegible] mouths on the isl[illegible] old and young for confirmation, [illegible] bishop found the[illegible]

but neither of the committees could recommend such a step, although both advised that blocks of confiscated lands should be set apart at once for a future university. Confiscated lands furnished to New Zealand statesmen in such a case the relief that the custom house provided for one generation of Australians in financial difficulties, and which spoliation (sometimes called graduated[9] taxation) provides for another. In each case the process was simple. The Maori and the custom house could be bled freely. To the one goods must come to be taxed, the other could not remove his birthright—the land. The system contained the germ of future woe, for when the last life-drop has been drained in each case, an appetite suckled on injustice and grown to full estate will look round for other prey, and fasten its teeth on the fattest of the herd around. But few colonial statesmen troubled themselves with such speculations. Witnesses were not wanting to advocate the foundation of a New Zealand university on high social grounds, and in a few years their arguments prevailed. Sir William Martin was one of those who supported it. Mr. Justice (C. W.) Richmond was so adverse as to write, "The time even for an Australasian university is not yet, in my judgment, come, and may never come."

One of the early efforts of English colonies is to provide, as soon as they can afford it, regular communication with the mother country. Business relations demand it, and men prompted by adventurous or ambitious spirits recognise the pressing claims of their daily avocations. Ignorance of events may mean ruin to him who is dependent on distant markets. But a holier motive permeates colonial society. While a settlement is young its component parts are chiefly exiles from homes, where reside mothers, sisters, and the kindred whose memory is interwoven with the very chords of life. The families of enterprising colonists may have consented to their banishment, but still it is banish- [illegible] and a brave wife has often accompanied her husband

[9] [illegible]on is an ill chosen term. Arithmetic justly graduates [illegible]ner of 10,000 acres or £10,000 pays a tax ten times [illegible] the owner of 1000 acres or £1000. Discarding [illegible] who are bent on pillage by legislation take the

with consciousness at heart that she was too old to be transplanted from her native land. Doing her duty in a new sphere, contending with new privations, embracing new duties, teaching her children, and learning the while, herself, in order to be able to teach what she had not been taught, such a heroine made many homes in the colonies yearn for closer communion with the fatherland. Added to these motives, crude curiosity ravenous for new things, sufficiently accounts for the fact that postal communication finds early prominence in colonial affairs. To a newspaper editor the world without his columns would be a blank.

Amongst their efforts to beautify the land of their adoption, the colonists bestirred themselves in importing animals. Prince Albert presented deer. Pheasants found a congenial home in the land of fern. To the chaplain of the Bishop of New Zealand the introduction of the common bee was due. Acclimatization societies were established at Auckland, Wanganui, Ahuriri, Wellington, Nelson, Canterbury, Otago, and Southland. The land, famous for its natural scenery, bid fair by the acquisition of beautiful forms from other climes to rival them all in its charms. Within a few years of the liberation of skylarks, their carol was poured as profusely upon Maori air as over the heathery downs of England.

After a welcome at Auckland in March, Sir G. Bowen visited the Bay of Islands, where the Ngapuhi tribe were enraged at the cowardly attack in Sydney by a Fenian assassin inspired by rebellion and drink against the Duke of Edinburgh. The Governor met them where the treaty of Waitangi was made in 1840. There Waka Nene met the Queen's representative in 1868. Though weighed down by more than four score years the old man rose, and in presence of Maoris and Englishmen, who knew that his control had mainly brought about the treaty of Waitangi, struck the ground vigorously with his staff, and reminded them that on that spot, more than a quarter of a century before, he had counselled the fathers of the living generation to place themselves under the shadow of the Queen and of the law. He knew that he had then counselled well, and now he urged the sons of his former friends to live in peace

and brotherhood one with another, and with the Pakeha in the time to come.

In May, 1868, Sir G. Bowen visited the Waikato district. At Ngaruawahia he was received by military settlers and by Maori allies. Near the tomb of Te Whero Whero, friendly chiefs addressed him, and he volunteered to cause the tomb of the Maori king to be repaired and preserved in honour of that "famous chief of old time who had never made war against the Queen." One of the chiefs had asked if the treaty of Waitangi was still in force, and prompted by his advisers, the Governor replied that it was. The son of the king-maker was one of those who met him at Hamilton. Mr. Firth and Mr. Buckland had lost cattle, seized by Maoris who drove their booty to Tawhiao's territory. Mr. Firth deprecated violence, and the government did not make the outrage a cause of war. Mr. Firth wrote to Tamati Ngapora, who sent back some cattle, and informed Mr. Firth that those which had been killed should be paid for. Mr. Firth declared that there could be but one opinion of the handsome manner in which the king and his counsellor had behaved. Sir G. Bowen told the Secretary of State that the case was a reproduction of the cattle-lifting, described by Sir Walter Scott in "Waverley," where Fergus McIvor anticipated the part of the Maori chief. He expended his illustrations with a purpose. The New Zealand ministry did not desire that the last regiment should be withdrawn. Their fears found an echo in the Governor's despatch. He was informed that loyal tribes would be disheartened, and would view the "entire withdrawal of Imperial troops with feelings similar to those with which the Hanoverian clans in Scotland 150 years ago, while exposed to the vengeance of their Jacobite neighbours, would have regarded the removal of the English garrisons from Inverness, Fort William, and Stirling." After their assertions of self-reliance the ministry could with ill grace ask [illegible] for the retention of the troops, but it was hoped, [illegible] the florid language of the Governor would [illegible] of the [illegible]ary of State from his deter- [illegible] Duke [illegible]gham had written that the [illegible] In September he dismissed [illegible] request with thanks, and

a reference to previous instructions for the removal of the regiment, which there was no intention to replace. Sir G. Bowen visited other districts. At Tauranga, chiefs, recently hostile, assembled to greet him, and the settlers invited them to a dinner given in honour of the Governor. The chairman, a military settler, proposed as a toast: "Our guests, the Maori chiefs, lately our brave enemies in war, and now our friendly neighbours in peace." Five chiefs responded with "the fluency, humour, and eloquence of their race." At Maketu the Arawa performed their war-dance before the Governor. They, like the Ngapuhi, were indignant at the cowardly assault upon the Queen's son, and entreated that they might "be led against the Fenians." At a school at Maketu the Governor observed a proficiency equal to that attained by Europeans. The desire of the Arawa to be allowed to chastise the Fenians was not so Quixotic as might be supposed in England. Some of the disorderly elements gathered at the goldfields of the Middle Island excited such uneasiness in 1868, by a display of Fenian sympathies, that troops were made ready for landing at Hokitika, and a few ringleaders were convicted, but leniently dealt with. Sir G. Bowen did not visit the Wanganui and Taranaki districts in 1868. There were troubles there in April, May, and June. Colonel McDonell himself was sent thence in March to Hokitika to deal with Fenian plotters, and took thither about 80 of the armed constabulary. He returned in May and found troubles at Patea. His own narrative[3] stated that natives had been stealing horses, and that "Mr. Booth had been arresting the wrong persons and then releasing them again; this aggravated the natives and complicated matters very considerably." From a Maori point of view the situation was provoking. Under Governor Browne, the government refused to recognize the Maori collective title to land. Under Governor Bowen it imputed collective responsibility for private theft. If a low-born Maori stole a horse, a chief who derived his honours from a long line of ancestors was seized by armed men. It was

[3] "An Explanation," &c. Lieut.-Col. T. McDonell. Wanganui: 1869. In the Blue Books the name of this officer was spelt with two "n"-s, and the practice was continued in 1870.

as if for the act of a horse-stealer in Hertfordshire the lord of Hatfield House had been cast into chains. McDonell's mode of management was certain, if not intended, to provoke. Katene, Titokowaru's tribesman, who had joined McDonell's force, declared that mischief was brewing, and warned his commander that in future the Maoris would not defend their pahs, but fight in guerilla fashion.[4] Some arrests were made. The Pakahope hapu held a meeting, and disturbance was allayed by an undertaking that the authorities and the chiefs should combine to prevent disorder. But the chiefs could not restrain all evil-disposed Maoris. It had long been known that the ancient Maori rule had waned under the influence of European civilization. Mr. Booth, the magistrate, directed McDonell to arrest three chiefs—Toi, Hahuwhenua, and Ihaka—suspected of stealing horses belonging to Mr. Booth and two other persons. McDonell obtained a warrant from Booth. With armed constabulary and settlers, McDonell marched by night to Te Ngutu-o-te-manu. He was hospitably entertained at the pah by Titokowaru and others. In the morning he expressed regret at the thefts committed by ungrateful Maoris, seized a chief, Tauke, as a hostage, and carried him off to Waihi. He declared in his printed narrative that he guaranteed the safe return of Tauke, even if he should be proved to have stolen the horses.

Natanahira strongly urged Mr. Booth not to sally forth to seize the missing horses. Natanahira went himself and recovered some, but not Mr. Booth's. That gentleman determined to seek his own, with an armed party furnished by McDonell, who thought "bloodshed certain" to ensue, and followed Booth with an armed force. Booth, arriving at Te Ngutu-o-te-manu, ordered the arrest of a chief, Kohiri. Roughly seized, Kohiri resisted and called on his people to rescue him. They did so. Booth seized three Maoris, and, perceiving guns pointed at his men, yielded to

[illegible] as peculiar. He once, by the fireside, said to an [illegible] trust me?—Yes." Katene paused and put his [illegible] "You are [illegible] and you are wrong. Right, [illegible] you should not trust a [illegible] ngs—my ancestral land [illegible] od. At that moment I [illegible]

Katene's advice, relinquished Kohiri, retreated, and met McDonell. Tauke, the hostage, had accompanied Booth; and, during the scuffle in the pah, had called out: "Be careful: McDonell is at hand with a large force." The Native Minister reported the result thus to Sir G. Bowen: "Two of the prisoners were quickly released, as nothing could be proved against them; the third, Ihaka, was detained, but subsequently made his escape." He significantly wrote: "A case of robbery of horses and other effects was chosen to check the evils" on the west coast. Tradition, hatred, injured dignity, prompted Ihaka to revenge. In June a settler was murdered in the bush in the vicinity of Pungarehu. Mr. G. S. Cooper, Under-Secretary for Native Affairs, in a report of later date, speaking of the arrest and escape of Ihaka, said:—"A few days afterwards the murders were committed, which, according to Maori custom, commenced open war, and Ihaka was one of the murderers." The case "chosen" to check evil, in 1868, was thus, like that of 1860, tainted by injustice and folly. The provoker of war was without means to wage it. McDonell went to Wellington for reinforcements. He complained afterwards that the ministers did not recognize the danger, or accord him sufficient force. To his original strength of 100 men, 300 militia and volunteers, with 50 Maori allies, were added. The Native Minister (J. C. Richmond) thought the outrages had been committed by a few savages with whom the bulk of their countrymen had no sympathy. The disturbance would, he thought, be short, and would "hasten the peaceful settlement of the district." Thus he wrote (5th July) a few days before the General Assembly met; and the Governor transmitted the report to England. Before the Native Minister and Governor had thus written, Titokowaru (whom Mr. Parris had described as a leading chief, and whose exertions in promoting good feeling he had commended) had issued (25th June) a peremptory order that travelling in the district and intercourse with Europeans should cease.

The confused Governor had recently written to the Secretary of State: "I shall apply myself diligently to the study of the native language and annals;" and when Titokowaru's order reached him he must have sighed for

more knowledge or more trusty advisers. He regretted that "positive and reiterated orders" prevented the 18th Regt. from assisting to subdue Titokowaru. A redoubt, Turoturomokai, held by an officer and twenty-five of the local forces, was surprised and before Major Von Tempsky dashed up from Waihi in time to see the assailants retire, Captain Ross and seven others were killed or wounded. Of the attacking force, about twelve were wounded or killed. One of them was a near relative of Katene.[5] When this cool and daring scout approached Turoturomokai with McDonell, the first object he saw was his dead relative. McDonell dreaded lest Maori revenge should actuate Katene; but the latter betrayed no symptom of displeasure. He talked confidentially with McDonell until two o'clock on the following morning, and left him lulled in security. But he then waked his people, and bade them muster at his tent. "You know where I have been?—Yes, in McDonell's whare." "I have; and he is distrustful. He means to murder you as spies and traitors. But for me it would have been done to-night." Te Hira (a Wanganui chief who resided with Katene's people) was seized, bound, and gagged; and before day-dawn Katene with his followers joined Titokowaru.

McDonell's force having been raised to 700 Europeans and 300 Maoris, he prepared to attack Titokowaru's pah. The Governor feared that if the colonial forces should receive a check there might be a general rising. The intentions of the Maori king were unknown. Mete Kingi, a member of the House, wrote to Tokangamutu to sound the king. His old comrade, Hori Kingi, described the success of the mission. The herald was "passed on by Tahana

[5] During McDonell's absence from the district, charges had been made against Katene, and the resident magistrate sent him to gaol for three months, at Patea. McDonell, on his return, caused the gaoler to escort Katene to McDonell's quarters, in order to discuss affairs. The conversation was long, and McDonell invited Katene to remain in his house, promising that [illegible] and for information, Katene's sentence should be [illegible] Katene preferred to return to his own bed. [illegible] The gaol was locked, and the gaoler was [illegible] low, and said to McDonell: It's [illegible], then, did you stay?" "Oh! [illegible] urn. If not, you would not

Turoa to Wiremu Pakau and Ropata, by whom he was passed on to Pehi Turoa and Topia Turoa, and then passed on to Topine te Mamaku." Thus aided, he reached a station whence a Maori, by name Marino, carried Mete Kingi's letter to Tokangamutu. There, oracularly, Rewi and Tamati Ngapora allowed it to be believed that they condemned Titokowaru. His evil-doing was with himself alone, even though through it he sink down to the world of spirits—was Rewi's word. Tamati Ngapora said: "Hearken, Rewi, there is nothing to say. Leave Titokowaru to be pecked by the sea-gulls. He sought it himself." The Native Minister took comfort from the result of the mission.

Such was the state of affairs when (9th July, 1868) Sir G. Bowen met the General Assembly. Four members were elected for the northern, eastern, western, and southern Maori districts: Frederick Nene Russell, a nephew of Waka Nene; Tareha; Mete Kingi Paetahi; and John Patterson, a Maori with an English name. At the western district there had been irregularity. Every representative body founded on the basis of the House of Commons takes pride in following with nicety every detail which shows or implies the independence of its members.[6] Before the speech from the throne is taken into consideration, a bill is read a first time to assert a right of deliberation independently of the cause of summons by the Crown. Mr. Stafford introduced on this occasion a bill to declare valid the election of Mete Kingi Paetahi. The general provisions of the electoral law disqualified him, inasmuch as he was the holder of an office of emolument under the government. On the following day the bill was passed through all its stages. The Council passed it with celerity; on the 16th July, the Governor assented to it in the Queen's name, and Mete Kingi took his seat. In the oriental imagination of the chief, who could count the generations of his family from the time when his ancestors landed in Maoria, what

[6] They are not so careful in other respects. The mace, the symbol of authority, is in England surrendered to the Lord Chamberlain at the clo of a session, and is only restored to the House, by royal authority, at t commencement of the next session. This sign of the constitution principle, on which the summons of a Parliament is founded, has not be respected in the colonies.

thoughts must his new position have aroused! After strife with trading hucksters, with debauched wastrels of seafaring life, with settlers, with ministries, with Governors, with an English army, there had yet been left such vital force in the Maori noblemen that now, though in disproportionate numbers, they sat in the halls of legislation. Bad advisers, and consequent war, had thwarted the honourable intention of the English government when the treaty of Waitangi was signed, but at last an instalment of justice had been wrung from a conjunction of evil circumstances, and the voice of a Maori could be raised in the halls of the English runanga. The spectacle, which might minister to the pride of the Maori, reflected credit upon the colonial government.

Difference yet remained between the members. The Maori, with a written language, was not compelled by daily need to learn that of the colonists. It was ordered that an interpreter should attend during the debates, and that papers of interest to Maoris should be accompanied by a translation. There were many contemporary statements of which it would have been wise to prevent the translation. The "Wellington Independent" said (21st July, 1868):—

"The operation must be short, sharp, and decisive. Within the rebel districts no mercy should be shown. No prisoner should be taken. Let a price be put upon the head of every rebel, and let them be slain without scruple, wherever the opportunity is afforded. We must smite, and spare not. . . . They are determined to fight, and we, in self-protection, must treat them as a species of savage beasts which must be exterminated to render the colonization of New Zealand possible." The Governor sent the following extract to the Secretary of State:—"Give a reward for every rebel's head that is brought to headquarters. Exeter Hall may lift up its pious hands in holy horror, but what else is left to us? . . . Few will hesitate long to recommend the doctrine and practice of head-money. *Fiat.*"

The hearts of those who wrote thus in 1868 must have bounded with joy when, in 1869, it appeared from a printed return[7] that at Makaretu and Ngatapa there were 175 Maoris slain, no wounded, and none captured. Another [illegible] ted in 1870, reveals the character of the force [illegible] ribald writers would have delegated the task

[7] House of Commons P.P. 1870, C. 83,

of rivalling Maori fanatics. The condition of the armed constabulary under Colonel McDonell, on the west coast, will serve as an illustration. A compendious view is provided in the return[8] of the number of the force "discharged on the report of their own officers for drunkenness, uselessness, and insubordination respectively, since the 1st July, 1869." Drunkenness, 330; uselessness, 263; insubordination, 38;—total, 631. Another return, laid on the table in 1870,[9] showed that at the same date (15th June, 1870) the total armed constabulary force in the field was 695. Such was the force which a public writer would have deputed to slay for head-money. That there were some honourable men in it may well be believed. The enormous proportion dismissed in twelve months proves to some extent the health of the body which could thus discard peccant humours.

The Stafford ministry were fortunate in the choice of their envoy to England. Mr. Fitzherbert was successful as regarded the Imperial claims. Though the Duke of Buckingham thought that complete scrutiny would prove a debt from the colony, yet recognizing the pressure upon its resources, and the fact that it had taken upon itself the duty of internal self-defence, he considered that "simultaneously with the removal of troops, installation of a new Governor, and the establishment of a complete system of self-reliance," the Imperial Government might properly consent to close the accounts by a mutual release. It was agreed that the colonial claims should be abandoned with the cancelling of the Imperial. The Colonial Office and Mr. Fitzherbert were gracious to one another, and Mr. Stafford applauded Mr. Fitzherbert.

Mr. Fox moved that "an impression had gained ground throughout the colony that his Excellency's government proposes to effect organic changes in the institutions of the colony," that there was anxiety about nat[illegible], and that the government ought to declare its poli[illegible] for repeated adjournments, the motion was

[8] N. Z. P. P. 1870; D. No. 36. Col. Haultain, who [illegible] for Colonial Defence in 1869, but was out of office in 1[illegible] return in order to justify the character of the force.

[9] 1870; D. No. 7.

Aug.) by 34 votes against 25. In discussing one of Fox's hostile motions, Mr. Dillon Bell was loudly cheered while he denounced Mr. Stafford's policy towards the natives. One Maori member, Mr. Patterson, demanded equal laws for the Maori and the Pakeha. On another occasion, Mete Kingi said: "I have listened to the talk here for two months. The talk is all about money. Men's lives are nothing." Out of fashion in Wellington he might be, but he struck a higher chord than was touched by party intriguers.

The question of retaining the 18th Regt. was not swept out of the way as the Duke of Buckingham had imagined. On the 18th Aug., the representatives resolved to fall back upon the old arrangement, that while the colony expended £50,000 a-year on native purposes, the Home government should retain a regiment in the colony free of charge. The elastic construction which could be put upon the phrase "native purposes" qualified the obligation of expenditure. The Legislative Council had in July been asked to resolve in plain terms, without reference to any past arrangements, that it was expedient on grounds of Imperial and colonial policy that one regiment should remain; but the motion was lost. A few days afterwards, however, the Council resolved without a division to entreat Sir G. Bowen to delay the departure of the 18th Regiment.

Again a war-cloud hung over the land. Again it rose from violent acts or breach of faith under a ministry headed by Stafford. The great tribes had been crushed by English troops, the king-maker had submitted, Tawhiao and his friends had retired, but the individual Maori would neither submit in his fastnesses nor remain in banishment. Prisoners on board of a hulk, at Wellington on a stormy night, let themselves down through a porthole, and threescore—men, women, and children—reached the shore, and [illegible]gained their old haunts. On the 4th July, 1868, the [illegible]ers at the Chatham Islands, disappointed at being [illegible]ontrary to their understanding that after [illegible]ld be released, rose as one man, [illegible] guards, of money and ammunition, [illegible]ifleman," of 82 tons burden, and [illegible] in the north. A return, obtained

by Mr. Mantell in the Legislative Council, revealed the fact that there had been no "writ, warrant, or other form of authority" for the exile or detention of the prisoners. The capture of the island was so sudden that no explanation could be furnished. Te Kooti Rikirangi, unjustifiably seized at Waerenga-ahika[10] in 1865, was the Maori leader. Under pretence of holding religious services, he became a prophet of a new Karakia, or worship. He had arrived on the island on the 15th June, 1866, and two years of probation having expired, became restless when no hope of release was held out. The resident magistrate separated him from other prisoners, and forbade him to hold religious services. These measures were reported on the 1st July. They failed. On the 4th, 163 men, 64 women, and 71 children escaped in the "Rifleman." Three men and one woman only remained behind. One constable was killed with a tomahawk, in the act of resistance. The rest of the guard were bound. One of them said:—"They laid me down very gently, and bound me hand and foot. They tied my hands behind my back, and left me on the ground with my face downwards." Mr. G. S. Cooper was sent by the government to inquire, and reported:—"Upon looking back upon this extraordinary episode in the history of New Zealand, it is difficult to say whether one's wonder is excited more by the precision, rapidity, and completeness with which the enterprise was planned and executed, or by the moderation shown in the hour of victory by a gang of barbarous fanatics, who in a moment found their former masters bound at their feet, and their lives entirely at their mercy." Some persons hoped that the runaways would eschew violence, and be content with replacing their feet on the land of their birth. But mismanagement taught the colony how much it had owed to Sir G. Grey when he resisted the importunities of Fox on the escape of the prisoners from Kawau. Though the ministry could produce no warrant under which the prisoners had been detained, they denied that the refugees had been absolutely promised their freedom after two years of good behaviour. Yet a belief in the promise was wid-
Bishop Selwyn said in the House of Lords: '

[10] *Supra*, pp. 385, 386.

told if they conducted themselves well, at the end of two years they would be set at liberty. They behaved in the most exemplary manner; but at the expiration of the two years they were informed that they were not to be set at liberty, whereupon a look of despair at once came over them, as if every hope they had of life were cut off." The first official instructions to the resident magistrate at the Chatham Islands pointed to release at the end of the war. He was told that it was not "desired to detain them longer than may be necessary. They should be informed, therefore, that their return will depend upon their own good conduct, and the termination of the rebellion. A few of the best-behaved will be allowed to return periodically, and it is to be hoped that none of them need be kept prisoners for any lengthened period." The verbal promises made under these instructions can be inferred. Stafford, under whose government they were issued, was still in office in 1868. There was no disturbance in New Zealand at the expiration of the time which the prisoners had associated with their release; but Stafford gave no sign, although he received urgent letters informing him of the restlessness of the prisoners under their disappointment. He was not ignorant of their expectations. In May, 1867, the government sent Major Edwards to the Chatham Islands with orders to report upon all matters connected with the Maoris and their guard. The prisoners assembled to meet him. They stated: "That they had been promised they should be sent back to New Zealand, a few at a time, probably after they had been one year at the Chathams, if they behaved well, and that the whole were to be sent back as soon as the war was over." Major Edwards told them that he "felt sure that the promise, if made, would be carried out, and that their good conduct would have its due weight." If Stafford's colleagues did not admit that the promise had been made, th[illegible] to correct the report convicted them of dupl[illegible]ent. In April, 1868, Mr. Ritchie, a[illegible]s, reported that there was a growing [illegible] the prisoners to leave th[illegible]son. [illegible] a special co[illegible] other re[illegible] would

not make inquiries about Maoris cooped up in an island prison. He cared not to untie such a knot. Te Kooti suddenly cut it by seizing the "Rifleman" the day after she arrived at the Chatham Islands. The surprise was complete. The chief officer vainly resisted Maoris who, from two boats, scaled the vessel's sides, and stationed sentries in the forecastle and cabin. Te Kooti was almost the last to visit his prize, and on taking charge declared that unless the crew would navigate the vessel to Poverty Bay they would be killed. All firearms at the islands were seized by the Maoris. An attempt to sail on the evening of the 4th was defeated by adverse wind; but on the 5th the "Rifleman" sailed. A head-wind was encountered, and one morning a Maori was thrown overboard by his companions "to bring a fair wind" from the Atua, or god of winds. But while resorting to ancient superstitions, Te Kooti kept his powder dry. An armed guard paced the deck day and night. A Maori with carbine and sword stood by the helm to watch the steersman's course. The crew were not allowed to cook. On Friday evening (10th July), the "Rifleman" was anchored at Whareongaonga, six miles south of Poverty Bay. The crew were kept below, while the women and children, and some others landed at night. On Saturday morning the Maoris carried off the cargo (consisting chiefly of provisions), returned with two casks of water for the crew, and said they might now go where they liked with the ship, as the Maoris "had done with them." Before the "Rifleman" reached Wellington, the electric telegraph had warned the government of the catastrophe, and no man knew whether before leaving the Chatham Islands the prisoners had murdered the Europeans there. A steamer was despatched thither.

Captain Biggs, commanding a force at Poverty Bay, heard, on the 12th, that the prisoners had landed. He mustered 50 Europeans with 53 Maoris, marched towards the runaways, and demanded their arms. They refused to surrender them. Finding that they outnumbered his he determined to act on the defensive, and urge government to send "a force at once to retak prisoners." The government complied. Colonel Wh was despatched to the spot, and Commander Palm

H.M.S. "Rosario" went to help him. Captain Biggs was eager to assist. Ridges with sheer steep rocks encompassed the outlaws, who, confronted by the Maumaukai Ranges, and impeded by their plunder, were many days in toiling to a spot where Captain Westrup, of the Poverty Bay Mounted Rifles, with 66 Europeans and 22 Maoris, endeavoured to bar their way. He detached 44 men to a position commanding their path, near Paparatu, and Te Kooti promptly changed his front, dashed upon Captain Westrup and captured his camp, provisions, and horses. Some fled in disorder. Westrup, with about 40 men, retreated across the country under guidance of a friendly chief, and reported his defeat to Colonel Whitmore, who did not conceal his dissatisfaction when he found that the forlorn fliers were not prepared to turn back and pursue Te Kooti without delay. Whitmore himself had some Napier volunteers with him. Hearing that the nature of the country would make it impossible for the encumbered fugitives to reach Opoiti, on the Wairoa River, in less than a month, he organised scouting parties to hem them in, consoling himself with the reflection that the heavy floods and stormy weather which harassed his own men would prevent the enemy from moving. A force of friendly Maoris and European volunteers was gathered together at Wairoa in Hawke's Bay and marched under Major Richardson. Te Kooti resolving to transport the women and children to shelter, cut his way for about ten miles through the forest; and on the 24th, at Te Konaki, on the Hangaroa River, encountered Major Richardson, whom he fought for three hours before he could force his way. Major Richardson complained that his allies fought badly; but the only sufferers on the government side were Maoris, though the Major said the rebels used their rifles with precision. The government called out the militia, strengthened Whitmore with a detachment of armed constabulary, and determined to show what would have been [illegible]lt if Sir G. Grey had adopted Mr. Fox's advice at [illegible] General Chute, writing at this juncture from his [illegible]rs at [illegible]rne, urged that the battalion of the [illegible] Zealand [illegible] to be concentrated as much as [illegible] that the withdrawal of the

detachments from Taranaki and Napier would encourage Titokowaru and Te Kooti in insurrection, Stafford deprecated, and Sir G. Bowen, in despatches to General Chute and to the Secretary of State, vehemently remonstrated against, such a disposition of the battalion as would concentrate it at Auckland where it was not needed. The Duke of Buckingham yielded to the governor's entreaties. Colonel Whitmore strained every nerve to surround Te Kooti. The adroit use which the latter had made of his followers had deceived Westrup and Richardson. Colonel Whitmore ascertained that the fighting men had been fewer than had been thought, and that women must have taken part in skirmishes. He rapidly marched from Turanga to the Waihau Lakes, where Major Fraser joined him with a force which had marched round by a regular track. Te Kooti had passed on, cutting his way with desperate energy so as to transport his impedimenta through the broken country between the Waihau Lakes and Puketapu. The road thus made facilitated the march of Whitmore's force, which closed with Te Kooti at Puketapu on the 8th August. An indecisive engagement at Ruakiture, in which Te Kooti was wounded in the foot and lost about eight men, did not stop his retreat. Five were killed and five were wounded in Colonel Whitmore's force. Two officers fell in a charge made by the Maoris, while the words of women urged them on. Colonel Whitmore found that Te Kooti's tactics differed from the wont of Maoris. "He held a desperate body of men in reserve to charge whenever he sounded the bugle. His fire was deliberate and never thrown away; every shot fell close to its mark if it did not reach it, and there was no wild volley discharged during the action. He began the fighting himself, and no opportunity was afforded me to summon him to surrender." In former wars the Maoris had only guns. At the Chatham Islands Te Kooti had seized 32 rifles. For the third time within a month of his landing he had been brought to bay by his pursuers, and had wo
An officer who served against him has been
that in such warfare Te Kooti's tactics could
passed. Whitmore fell back to procure sup
Kooti after giving his followers rest at Puketa

his march to the interior. In a month he was heard of a hundred miles from the coast. The savage was aroused within him, but he was calculating in his revenge. Wounded, and dragging his wounded to the fastnesses of the hills, he was scotched but not killed, and his rabid followers were soon to horrify not only New Zealand but England by the massacre at Poverty Bay.

It was just after Te Kooti's struggle on the 8th August that Mr. Fox's motion hostile to the government was rejected by the House. Both Houses seized the occasion of a visit paid by Sir G. Grey to Wellington, and unanimously accorded him a seat within their chambers. He was then on his way to England, splenetic against the Colonial Office. On the day of his embarkation the Council adjourned early to enable its members to do honour to him. Before he left he offered to go to the west coast to endeavour to pacify Titokowaru's follows; but the ministry declined the offer.

As the mail-steamer was about to depart, rumours of disaster sustained by Colonel McDonell at the hands of Titokowaru reached Wellington. McDonell with about 350 Europeans had surprised Titokowaru's village, Ngutu-o-te-manu, in August. It was undefended, although rifle-pits were passed in approaching it. The houses of Titokowaru and his people were burnt. On his return to Waihi, McDonell was pursued by Titokowaru, and four of his men were killed and eight wounded. McDonell loudly praised his officers and men. He had set his heart upon destruction of villages. Pungarehu and its successor Ngutu-o-te-manu were desolate, but there were other inhabited places. On the 7th Sept., at four a.m., he sallied forth with 250 Europeans and 110 Maoris, of whom Rangihiwinui was one, to attack Te Rua-arua, a fortified village, and return by Ngutu-o-te-manu. A track was found and followed. No signs of an enemy were seen. A halt was called. Rangihiwinui sent a man up a tall rata tree to see whether smoke or village was near. Half-a-mile off smoke was seen, and the man heard sounds of a Maori [illegible] Rangihiwinui said: "We now know where the [illegible] r Pakeha men off the track. Let [illegible] silence in the forest. I with my [illegible] If an enemy come near, I will

have him tomahawked without noise. But I expect no one, for this track is evidently not much used. When it is dark I will reconnoitre the enemy's position so that we may know how to act in the morning." Lieut. Gudgeon avers that the chief's advice would, "if followed, have undoubtedly ensured success," and that when Titokowaru's people heard of it afterwards they said: "Had it been taken we were lost." But McDonell rejected the advice. He ordered an advance. He led one division of Europeans. Von Tempsky led another. Rangihiwinui and his countrymen preceded them. A tent was on the track. A woman, close to it, screamed and fled. A man emerging, and two children were shot. McDonell and his men knew not where they were. To surprise the enemy was impossible; but the force advanced. Rangihiwinui extended his men on the left. Von Tempsky went forward and descended into a gully, where a shattering volley was poured upon his and a part of McDonell's advancing force. The pah was near, but hidden by trees. Katene's warning flashed upon the leader.[11] The Maoris would fight in the guarding forest rather than in the entrapping pah. While McDonell was disconcerted, Rangihiwinui sped to his side and told him that he was before Te Ngutu-o-te-manu—the place he had destroyed so recently. The puzzled McDonell could hardly believe the truth. Marksmen in the trees singled out and shot the Europeans. The loss was so great that McDonell resolved to retire, although Rangihiwinui's men on the left had driven the enemy from the forest to the pah. He sent his brother, Captain McDonell, to call back the brave Von Tempsky, who was loth to obey, but in the act of encouraging his men and reviewing his position was shot dead. Captain Buck determined to recover Von Tempsky's body before retreating. As he raised it, he also was shot. Captain Roberts, next in seniority, knew not of the order to retire, and held his position in ignorance that McDonell was in full retreat. By Rangihiwinui's advice McDonell retired by the edge of the clearing with his wounded men, while Rangihiwinui held the enemy in check in rear. Through twining vines and

[11] *Supra*, p. 519.

underwood, the pursuers and pursued—sometimes almost intermingled—wended their harassing and harassed way. When the gorge was crossed at Te Maru it was found that Von Tempsky's division was absent. When Von Tempsky was shot, Captain McDonell had told Captain Buck to retreat, but had returned to his brother without knowing of Buck's immediate death. Colonel McDonell thought of fighting his way back, to relieve his comrades, but Rangihiwinui suggested that as the main body of the enemy had pursued to Te Maru, Von Tempsky's men had an easier journey and more unmolested than McDonell's. The retreat was continued, and Titokowaru pursued until darkness set in. At nine o'clock in the evening McDonell's division were in the Waihi redoubt, whither about 40 of the rifle corps had preceded him, having fled (when Von Tempsky was shot) and reported the destruction of the force. The European loss was reported at once as 22 killed, 25 wounded, and 2 missing. The enemy's loss was unknown. It was thought that Rangihiwinui's men had killed 15, and that the colonial forces had killed 13. The English dead were left behind. McDonell said he could not speak too highly of Rangihiwinui and his men, none of whom, strange to say, were killed. Trained to bush warfare, they kept apart from one another, while the armed constabulary collected in groups, which afforded a mark for the enemy. About 80 Europeans were left under Roberts, and were pursued till night. Then, under the guidance of a chief, Pehira Turei, after waiting for the rising of the moon, they found their way, and gladdened McDonell's heart by arriving safely in the morning[12]—meeting a band of

[12] The text is compiled mainly from official reports. In Col. McDonell's pamphlet (1869) he says, that having directed the native contingent, who were "heavily engaged" in the rear, to move in a parallel line on his left flank, he gave the word to move off. "The enemies' fire increased, and our casualties increased also. . . . I presumed Von Tempsky was following in our rear (McDonell had informed Von Tempsky of the directions given to the native contingent), when some of his men rushed up crying out that he and the other officers were killed." Proceeding to the rear he learned the truth. "I would have gone further back to see if I could do any good, but the enemy still attacked our rear. . . . I accordingly pushed on. . . . Inspector Roberts, who fortunately did not follow our track, escaped the enemy, camped in the bush for the night (with his party), and reached Waihi the next morning. . . . The men who had bolted into

Rangihiwinui's men who had started in search of them. The alacrity of the Maoris was the more highly esteemed at the time because their chief, Hori Kingi te Anaua, had recently died, and it was not customary to devote to war the season appropriated to grief. They economized their time by robbing themselves of sleep, and kept up a tangi, or wailing for the dead, throughout the night, and in the morning sallied forth in search of Roberts.

Colonel McDonell's published defence pleaded that "the drunkenness which demoralized"[13] some of his force was due in some measure to the action "of the Taranaki government." The fact that by McDonell's wrong-doing at Pokaikai, and in conjunction with Booth at Te Ngutu-o-te-manu, the conflict with Titokowaru had been brought about, neither McDonell nor his employers thought it convenient to admit. There was alarm and wrath at Wellington, and McDonell's dismissal was demanded. Colonel Whitmore deprecated indecent haste in expelling a man against whom unexamined charges rested mainly on loose sayings of subordinates of his corps. By Whitmore's advice the Defence Minister, Colonel Haultain, removed to the west coast a division of armed constabulary stationed at Napier, and partially reassured the minds of dwellers at Patea and Wanganui. Whitmore generously offered to serve under McDonell (though his junior) until final arrangements could be made. Colonel Haultain accepted

camp were for the most part drunk when I arrived. . . . The drunkenness which demoralized some men of my force after the defeat, and for which I was censured, arose out of the recklessness of the men who had bolted, and the action of the Taranaki government. To raise a revenue they had passed a Bottle Bill, under which every storekeeper in that province on paying the license fee could sell liquor by the bottle. . . . Ministers refused to grant me power (to close those grog-shops). . . One government opened the flood-gates of intemperance, the other refused me the power to shut them. . . ." (The Wanganui native contingent) "during the many years they served under me fought cheerfully and bravely, and I never had cause to doubt either their courage or their loyalty." McDonell attributed the disasters to the Pokaikai Commiss[illegible] —false economy—and bad instructions from the Defence Minister Haultain, in "urging the second attack upon Te Ngutu-o-te-manu,"

[13] Mr. Fitzgerald, in a published letter (1870) on the self-reliant p[illegible] the colony, wrote: "Titokowaru had not, it is admitted, above ei[illegible] with him when he began. . . . The headquarters at Pate[illegible] scene of perpetual drunkenness and debauchery which wo[illegible] destroyed the discipline of the best soldiers in the world."

the offer, and (although a member of the Assembly then in session) proceeded to the scene of disorder. After an unsuccessful effort to tempt the enemy from a position at Taiporohenui, he withdrew the advanced posts from Waihi and massed his force at Patea in the end of September. Rangihiwinui and his men returned to their homes at Wanganui. That which had made the government anxious had made Titokowaru bold. He had acquired valuable arms from the slain. His "mana" was exalted, and he gained recruits. He devastated the homes of settlers, and advanced to Patea. Terror reigned in Wanganui. Four companies of militia were called out for active service, but refused to go "to the front unless their houses and families were placed in security by the presence of a detachment of regular troops." There was consolation only in one quarter. Rangihiwinui's men had gone home to attend to their cultivations. When Colonel McDonell called for the native contingent, 300 men responded promptly, and entrenched themselves at Weraroa.

The magistrates met at Wanganui (29th Sept.), Mete Kingi Paetahi being present, and declared that there was absolute necessity for the presence of Imperial troops. But for the native contingent, Titokowaru might have sacked the town and swept the coast. The colonel of the militia urgently appealed (1st Oct.) to the government. Troops were necessary, and during such a crisis the presence of a minister would be desirable. Mr. Stafford moved, without notice (2nd Oct.) that the removal of the troops would foster rebellion and discourage the loyal; that the colony was "virtually fulfilling" the conditions[14] under which Earl Carnarvon had (1st Dec., 1866) sanctioned the reten-

[14] The condition proposed by Earl Carnarvon in 1866 was that the regiment might be detained "in case the grant of £50,000 per annum for native purposes shall be continued." Mr. Stafford (15th March, 1867) handed to Sir G. Grey a ministerial memorandum "declining to accede to the proposed conditions." Some of the reasons alleged were connected with the relative positions of the Governor and the General, but the declining of the terms was absolute. In what way the condition was "virtual[illegible] in 1868 it would be hard to guess. Returns laid on the table [illegible] 1869 (B. No. 2, Table R.) showed that in no one year after [illegible] of t[illegible] been devoted to native purposes. In the [illegible] £24,316 3s. 6d. Yet the term "native

tion of a regiment, and that the Governor be respectfully asked "to take steps to delay the departure of the 18th Regt. until the subject shall be referred to the Imperial Government." Fox, the leader of the opposition, seconded the motion, which was carried. Mete Kingi Paetahi voted for it. He, a Wanganui man, was for thorough measures. In a former debate he had warned the House that, wherever imprisoned, Maoris would break from their guard.

"Although you imprison them and wish to hold them till they repent, nevertheless I fear they will not repent. You saw how those captured at Weraroa acted. I brought them here. They were imprisoned in a ship. They soon swam ashore and escaped. Then you, thinking that the prison-ship had been too near the shore, were minded to send prisoners, afterwards captured, to the Chatham Islands, 300 miles distant from New Zealand; but lo! they seized a vessel and came back to this island. Judge ye then the mind of the Maori people. If you send Maoris as prisoners to England, I warn you that they will probably get possession of a ship and return to New Zealand."

Sir G. Bowen urged the officer in command at Wellington to treat the case as one of urgent necessity, and two companies were detached to Wanganui. To General Chute the Governor apologized for what he had done under an emergency which 'overrode all general rules." The Minister for Native Affairs (J. C. Richmond) assured the Governor that no efforts would be spared which in the depressed condition of the colony were within its means, but his minute showed that the public alarm was shared by the ministry, for he said that a "general rising of the Hau Hau tribes might take place any day." Tawhiao had not lent his influence to the fanatics, but was beset by turbulent advisers. No further fighting took place while the Assembly was in session. It was felt that Mete Kingi Paetahi and Rangihiwinui had at Wanganui saved the State. To them the natives looked up after the death of the old chief, Hori Kingi te Anaua. But for them Titokowaru might have glutted his ire at one of the oldest settlements in the islands.

A petition from the Ngapuhi, vouched for by their Maori representative, was described by the Public Petitions Committee as the dawn of a new era in the life of the native race. The tribe claimed equal law for Maori and European; they resolved to assist the magistrate when called upon to arrest an offender. They declared that nothing was so

beneficial as education in restraining crime; "therefore schools for Maori children should be established, whereas there is not a single Maori school from the town of Auckland to the North Cape." But friendly communication with the ever-friendly Ngapuhi did not smooth rough places at Wanganui. Colonel McDonell was made a scapegoat and obtained leave of absence. Colonel Whitmore assumed the command.

Although forced by Titokowaru to combine with Stafford in the attempt to retain Imperial soldiers, Fox relaxed no effort to seize the helm of affairs. Beaten in the House in August, he moved in committee that this "House has no confidence in the policy of the government." In the arena where thrusts in argument neither kill nor disarm, inasmuch as a discomfited casuist can reiterate statements already confuted, Mr. Fox battled for many days. Mr. McLean, an important ally to him, moved (16th Sept.) that the House viewed with alarm the condition in which the government placed the colony "in relation to defence and native affairs." The fate of the motion was not decided until the 26th Sept. The numbers for and against it were equal. Thirty-two gazed at a like number of opponents, while the Speaker gave his casting vote with the Noes. It was plain, however, that Fox and Vogel were marshalling their forces, and that the confidence reposed in McLean would lead to victory. Fox demanded (30th Sept.) an appeal to the people, but was defeated by 33 votes to 24. Public meetings in various places demanded a dissolution, and many of Stafford's constituents at Nelson called upon him to resign. The general opinion as to affairs at Wanganui was shown by the fact that while the combatants were thus excited against one another, the successes of Titokowaru made Fox meekly second Stafford's proposition to retain the 18th Regiment. The g[illegible] being allowed to proceed with its estimates, the se[illegible] closed in Oct. Eighty-one bills were pa[illegible] among them was one to provide for land [illegible] university to be afterwards established. [illegible] introduced by Dr. Pollen in the Council [illegible] in both Houses without a division. A [illegible] end of the session Mr. Hall, who, in [illegible]

Fitzherbert made financial statements, earnestly appealed to the representatives for support against impending dangers. He asked for £83,000 more than had been previously provided for.

"On the west coast we are in presence of a formidable difficulty . . . dark clouds hang over other parts of the colony . . . the difficulty has increased while Parliament has been in session. . . . If we do not shrink from whatever sacrifices may be necessary, if we will for the time stay the political and domestic strife by which we are now distracted, and afford hearty support to whatever men for the time may have the government of the country . . . but if we cannot suspend our political wrangling . . . then I am bound to say I have the gloomiest forebodings for the future."

The members must have felt, as the student now sees, that such an appeal would have been more fitly made on behalf of Stafford if he had not, in 1865, unduly obstructed Mr. Weld in order to obtain possession of the Treasury benches. One thing stands clear to sight. There was almost a panic when a minister spoke thus, and his propositions were accepted. On the 1st Oct., the newspapers contributed to it by stating that the Maori king was about to declare war, and that Kereopa was mustering a band to join Titokowaru.

The Legislative Council had given indications of distrust in the government. Moulded by a majority of the Lower House, a ministry might induce a Governor to create an equally plastic majority in the Upper House, of which the members were nominated by him. A committee was appointed to report on the powers and privileges of the Council, with a view "to extend its influence and preserve its independence." The committee analyzed the composition of second chambers in other colonies. In former years the number of the New Zealand Council had been limited. In Governor Browne's reign the limit was 15. In 1861 Governor Grey was instructed by the Duke of Newcastle not to appoint more than 20. In 1862 the same nobleman withdrew the limitation. Thereupon the Council, in an address to the Queen, prayed that some limit should be imposed, lest their independence would be impaired. Three-fourths of the number of members who sat in the Lower House should be the maximum of the number in the other. The Duke of Newcastle saw no reason for the exercise of a prerogative to limit the numbe

the law of the colony did not limit. For his change of opinion he alleged reasons which arraigned his former conduct. By taking away a limitation he virtually paralyzed one branch of the Legislature. He refused to undo the wrong he had done, alleging that no law compelled him to do right. The Council endeavoured to legislate in 1865. In 1866 they passed a Bill to limit their numbers, but the Lower House allowed it to lapse. Correspondence was asked for to show that, in 1867, Mr. Stafford, in order to carry a Bill, brought pressure to bear on members of Council who were holders of paid offices. Mr. Crawford, who held other offices besides that of sheriff, had voted against the government, not from political predilections, but because he shrunk with the instinct of a sheriff from accepting absolutely and at large all provincial liabilities as a colonial burden. In a friendly letter he explained his motives. The Houses adjusted their differences on the Bill by conferences, and the session was closed before Stafford replied to Mr. Crawford's letter. He had waited till the matter was decided, and did not refer to the Bill. But as an opinion had been generally expressed that there were too many officers of government in the Council, he wished to know whether Mr. Crawford would prefer to retain his offices or his seat in the Council. The sheriff said that when the two positions might be found incompatible he would elect to retain his offices. Stafford told him that his resignation of his seat would be accepted; and Mr. Crawford resigned his seat.

The constitution of the Upper House and its ductility were becoming serious questions to Mr. Stafford. The ordinary revenue had waned. In customs receipts there was a deficiency of £80,000. A member of the Council, Colonel Russell, proposed, but could not carry, a motion to consider the financial policy of the government.

Mr. Mantell, besides obtaining a return which proved that the Maori prisoners had been deported to and detained [illegible] Islands without warrant or authority of any [illegible] another return, which revealed gross neglect. [illegible] Mr. Weld being in office) that [illegible] should be translated and [illegible] formation. Mr. Stafford

became minister in Oct., 1865. The return showed that after July, 1865, the arrangement had been systematically violated.

After the successes of Titokowaru the Council resolved (8th Oct.) to address the Queen. They urged that colonial responsibility had only been accepted in reliance on the future co-operation of the Imperial government, and that if their equitable claims should not be recognized, a Commissioner ought to be sent from England to inquire into their grievances. The Address was never adopted. Colonel Russell, its framer, on the second day of debate withdrew his motion on the subject. It had stated that the withdrawal of troops had created in the minds of both loyal and rebel natives a feeling that the colonists were condemned and abandoned by the Queen, and that should such feeling become general a war of races might ensue, in which the English would be exposed to easy aggression, and the Maori would "be fierce and elated, with little to lose, and secure of refuge in swamp and forest."

In October, a Civil Commissioner reported that in some districts the Hau Haus were so jubilant as to boast that Titokowaru would regain the whole country; while friendly natives were abashed, and half inclined to believe in the invincibility of the rebels. Englishmen living at home in ease could scarcely picture to themselves the state of affairs. Orders for the withdrawal of the last English soldier were in the colony. Military settlers were compelled to be always armed, but did not feel secure.

While the country in which he had laboured for more than a quarter of a century was thus distracted, Bishop Selwyn bid it farewell. Had he been listened to in 1860, New Zealand might not have been rent by war and blotted by massacre. He did not recriminate, but, in reply to an address, trusted that he might soon hear of reconciliation, and "that New Zealand may again exhibit the blessed sight of the Maori and the English growing up together as one nation in the faith of our Lord Jesus Christ, and in dutiful allegiance to the Queen." The experience of recent years hardly warranted such a hope. Only inability to do wrong afforded prospect that a New Zealand ministry would do right.

At this period the government thought it advisable to negotiate with the Maori potentate, whose title had been denounced by the Stafford ministry in 1860 as intolerable. The Native Minister, J. C. Richmond, hoped that an interview between the Governor and Tawhiao might be brought about. Meanwhile (Oct., 1869), Colonel Whitmore marched against Titokowaru, who was supposed to have more than 500 men. With 450 friendly natives Colonel Whitmore advanced to Patea, but could not bring Titokowaru to action on the open ground. Rangihiwinui reconnoitred, and found that the enemy was at Moturoa, an inland settlement not far from Patea. Mete Kingi wrote from Patea to Sir G. Bowen. He was devising plans with Rangihiwinui for the campaign. They would soon extinguish (cover up as with a lid) Titokowaru's pah, if the roads were not bad. He had heard from the Maori King. Mete Kingi wished the Governor to visit Patea. Colonel Whitmore marched (7th Nov.) from Wairoa to attack Titokowaru at Moturoa, a village situated on a cleared space under a slope covered with forest. Through the forest Rangihiwinui made a circuit, which brought him to the rear of the village. Colonel Whitmore marched by the road. Rangihiwinui, with 50 Maoris and a few constabulary, was to attack the rear as soon as Whitmore's force reached the front. After continuous firing, the rear attack seemed to Colonel Whitmore successful, and with a cheer Major Hunter led the storming party in front. But by a shot from the bush he fell, and in spite of the commander's efforts the whole force was driven off, with a loss of 9 killed, 19 wounded, and 8 missing. Whitmore had relied on the support of Maoris behind him, and of 100 more upon his right, but complained that, either from treachery or from cowardice, his "wretched allies" (with the exception of those under Rangihiwinui) refused to aid him. The enemy pressed hard on the retreat, but recoiled from the rapidity of the breech-loading rifle fire. Rangihiwinui was the last to leave the scrub. His European forces were commended highly by Colonel Whitmore. Fresh from the field, he wrote of "Kemp," as the colonists called Rangihiwinui:—"His few natives behaved admirably, undismayed by the continual arrival of re-enforcements to

the enemy, or the fact of our having lost an officer. . . . Fifty, with the chief Kemp, whose gallantry, whose coolness, and whose determination to hold, if possible, the post of honour, was evident througout the day—behaved like men. . . . If he had even 100 more natives the village must have been taken." When a chief was shot, "Hunia at the head of his companions fled precipitately," and left the wounded man. "Kemp was standing conspicuously on the parapet, defying the Hau Haus, when this disgraceful scene occurred. Kemp called one of his men, and they bore their countryman from the field." Some natives displeased Colonel Whitmore. "On the other hand, Kemp, whose behaviour was beyond all praise, has the most to regret in the conduct of his followers. Certainly, had he known that one European was missing, he would have gone back at the last moment to fetch him, or (as it seemed to me) to die. For his sake I will say no more on the subject, and have foreborne to say one hard word to the inferior chiefs."[15] Colonel Whitmore asked for more Europeans. He applauded the gallant conduct of Sub-Inspector Newland and others, but he could not lay down his pen without paying a final tribute to Te Kepa Rangihiwinui.

"Lastly, Captain Kemp, brave, modest, and generous in all his conduct on this occasion; who never boasted before the fight; who has cast no reproaches after it; who has shown every officer that he is endued with great capacity for military operations; who has exhibited to every man of the force that a Maori chief can manifest a calm, deliberate courage in no way inferior to his own; who has laid up for himself in the hearts of many of the force the gratitude of the men who received a comrade's help in the moment of need, and who has tried hard to redeem the forfeited reputation of his tribe—this officer and chief merits a full recognition on my part of his deserts."

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[15] Lieut. Gudgeon gives a different version. "Seventy men followed Rangihiwinui, and the remainder would have done so, had not Col. Whitmore in his ignorance of Maori customs stopped a young chief, and ordered him to hold a position on the right to prevent any flanking movement on the part of the enemy. This irritated the main body, who said: 'If all of us may not go into the fight, none of us will.' Consequently 300 men remained outside the bush and never fired a shot. Had they gone on, the pah, strong as it was, might have been surrounded and the enemy starved out." ("Reminiscences of the War in New Zealand," p. 198.) Mr. Gudgeon's surmise may have been sanguine, but it is clear that the Wanganui men were dissatisfied with Whitmore's management.

Whitmore, being unable to speak Maori, was at a great disadvantage in consulting with the chiefs. Investigation by those acquainted with the natives imputed the want of concert at Moturoa partly to misunderstandings between Colonel Whitmore and certain chiefs, and partly to jealousies amongst the latter springing from doubts whether, after the death of Hori Kingi te Anaua, control ought to devolve on Mete Kingi or on Rangihiwinui. But Mete Kingi spoke in the name of all the tribes when he said they were willing to fight if properly commanded, though they had no confidence in Colonel Whitmore. The day after the battle the whole of the native contingent broke up their camp, and returned to their homes at Wanganui. Thus, twice had Titokowaru triumphed, and Colonel Whitmore was almost a general without an army. It was because the militia had refused to go to the front that the force at Moturoa was chiefly composed of Maoris; and now the chiefs were sulking in their tents. If there had been alarm before, there was now consternation in Wellington.

While the public mind was striving to master the situation, and resolve what ought to be done to remedy defeat in the west, a shudder of horror was sent to all hearts by tidings that in the east, Te Kooti Rikirangi, having placed women and children in safety in the hills, had descended like a wolf upon Poverty Bay, and before dawn on the 10th Nov. had massacred every man, woman, and child whom he could seize. It was said that from their lair in the hills the robbers had come down so famished that some died on the road. There had been no warning. There had been apprehension of an attack in the Wairoa district, south of the track by which Te Kooti had fought his way to the hills. Major Biggs had received authority to place an officer with nine men to guard, and act as scouts between Poverty Bay and Te Reinga. The officer (Gascoigne) extended his inquiry towards the north, where a Maori track led [illegible] to Poverty Bay. Biggs thought the labour [illegible] McLean's influence had been used [illegible] ree. Six hundred Maoris, of the [illegible] tiporoa, and Wairoa tribes were to M[illegible]

from Wairoa. They marched within 20 miles of Puketapu, but returned without encountering Te Kooti. He was on the track to Poverty Bay which Biggs thought it needless to guard. In the watches of the night Te Kooti and his myrmidons pounced on their victims. Major Biggs challenged some sound which he heard, and was instantly wounded. He retired for his gun, and while loading it was again shot, and fell. He implored his wife to fly, but she determined to remain by his side. Her heroism was equalled by that of a servant, who refused to leave her mistress. A boy, one of the few who escaped, told the tale. Though the house was surrounded, by crawling under a platform in the uncertain light he reached the scrub, from which he saw a Maori beating out with the butt-end of his musket the brains of Major Biggs. The houses at Poverty Bay were scattered. From one the inmates, warned by the boy, ran with the strength of despair; weak women carrying children, and reaching Turanga, six miles distant, by five o'clock. Fire followed slaughter. A strange contrast was there. While murder stalked from house to house, an old man slept soundly in a little hut, and rising after dawn "to help Hyperion to his horse," was proceeding to milk his cows, when he found his footsteps amongst the bodies of the dead. He ran in horror to a house he knew, and found dead bodies there. Unseen by the triumphant savages, he fled to Turanga, and there overtook the other refugees. At the house of Captain Wilson (late military settler) the murderers had found the door barred, and fire was applied. The captured inmates were led some distance before the work of slaughter began. Mrs. Wilson fell wounded, and apparently dead, as her husband was bayoneted. After long swoon she saw around her the bodies of her husband and three children and a man-servant. One boy, eight years old, was missing. She lay there all day, during which an old Maori, Hori Warakihi, passed and took away her shawl. On the following day she crawled back to her old home, and ensconced herself in an outhouse, with nothing to refresh her except water in a small tea-kettle. On the third day her missing boy gladdened her sight. When his father was killed, he scrambled away, unseen or despised. He had sense en-

to endeavour to hide. In the undisturbed hut of the old man who had slept through the massacre, he found food which he thought "it would not exactly be stealing to eat." He found a bed in the house from which the women had fled to Turanga, and though Maoris entered while he was there they did not discover him. On Wednesday he was hidden in a sweetbriar bush, "the best place he ever saw to hide in." That day he saw the murderers set fire to the houses as yet unburnt. He strayed towards his old home, and saw the bodies of his father, brother, sisters, and the man-servant. "He thought the Maoris must have taken his mother to eat her, as she was not there." He wandered to Toanga, where the Maori, Hori Warakihi, whom he knew, gave him bread and meat. On Thursday he mechanically recurred to the desolate home, and found his wondering mother. The fowls had not fled. He found some eggs. They had no fire. He went back to Hori Warakihi, and the old man gave him potatoes. The suffering woman sent the child to obtain fire from the houses recently in flames. Food being thus obtained, woman's wit went to work. The savages were still in full career. On a card, after four hours' struggle with weakness, she wrote: "Could some kind friend come to our help, for God's sake. I am very much wounded, lying at a little house in our place. My poor son James is with me. Come quick. —Alice Wilson. We have little or no clothing, and are in dreadful suffering." Several bayonet-wounds and blows had been borne by the desolate creature, whose child was to bear her message through murderers red with the blood of her house, and busy in finding and murdering their countrymen loyal to the Queen. Twice the poor boy failed to find his way. A third time he saw a dog which he knew. He followed it as it trotted before him towards Turanga. Two miles from the fort he met some reconnoitring friends, and he hid in the bush, fearing they were Maoris. The dog barked, and the child [illegible] discovered. The child and mother [illegible] days in starvation and torment. The w[illegible] woman was taken to Napier, but no[illegible]

Te h[illegible] the Turanga Maoris. [illegible] did so. He

retired but a short distance. Rumour multiplied his followers. Thirty-two whites and a larger number of Maoris had fallen before he retraced his steps. The few surviving settlers were gathered in the redoubt at Turanga. A small vessel carried some to Napier. Volunteers sailed thence, and in a few days 30 Europeans and 220 Maoris, Ngatiporou and others, were assembled at Turanga. The Ngatiporou, applied to for more help, declined to leave their homes unguarded, but sent 37 additional men. On learning that Te Kooti had been murdering the Maoris, they sent 220 more. A mixed force, composed chiefly of Ngatikahungunu, marched forward under Lieut. Gascoigne, and skirmished at Patutahi and Makaretu. They received supplies by means of pack-horses, and the wily Te Kooti, while engaging his enemy in front, detached a band to cut off a convoy. He seized eight kegs of ammunition and more food than the robbers could carry. Gascoigne's men anxiously awaited the arrival of Ropata, who was on the march from Wairoa, and joined the force in the beginning of December. A council of war was held, and it was resolved by the chiefs to drive Te Kooti from the rifle-pitted hill on which he had held his pursuers at bay. Till Ropata and his dreaded warriors were close to their lines the Hau Haus held their position at Makaretu, but then turned and fled, leaving plunder to their foes. Thirty-seven Hau Haus were killed. Some of the wounded were despatched in cold blood. The Ngatikahungunu offended the Ngatiporou by sparing the lives of two prisoners related to themselves. In the morning Ropata scanned the country in front, and descried on the forest-crowned crest of Ngatapa, the mountain lair which his enemy hoped to hold even from him. But Pakeha and Maori believed in Ropata as in Rangihiwinui.

The "Wellington Independent" at this time repeated its former demand. Rewards for extinction of the enemy should be offered "to Maoris and Europeans alike, and should not be paid except on the production of the [illegible] These savages should be dealt with as wild beasts [illegible] unless exterminated, render the colonization of the co[illegible] impossible." Sir G. Bowen's [illegible] [illegible]ches reveal[illegible] public alarm. "Fears are ge[illegible] that all

English settlements in the disturbed districts are in imminent danger. . . . Many competent judges are of opinion that the presence and exhortations of the Governor would afford the best chance of inducing the Wanganui tribe to take up arms for the Queen, and of securing the neutrality of other tribes now wavering in their loyalty." Stafford accompanied the Governor overland to Wanganui. Not now, as in 1860, to cast the lustre of the Queen's representative on unlawful rapine, but with soft words in his mouth, and alarm in his heart, the minister who signed the proclamation of martial law at Taranaki attended a civilian governor to appeal to loyal sympathies which he had done so much to quench. At Waikanae Sir G. Bowen conferred with Wi Tako Ngatata, who journeyed with him to Otaki. Again the old man addressed words of peace to his countrymen. Most of them seemed to be Hau Haus, but not prepared to join Titokowaru. But Sir G. Bowen observed in them a gloomy irresolution which might end in taking the side likely to be successful. In the Rangitikei district he saw Mr. Fox, who with others had determined not to fly from his home. Redoubts and block-houses were ready at each village to receive women and children in time of need. All adult males were enrolled and armed. Gathered at Wanganui were the families whom Titokowaru had scared from their homes. One night there was a cry that Titokowaru was at hand. Crowds fled to the block-houses which even men strove to enter for refuge, and the authorities were compelled to bar them out and reserve the shelter for women and children. The critical moment had come. The Maoris were to be appealed to. Sir G. Bowen visited their camp at Putiki on the 17th Nov. Rangihiwinui escorted him across the river. Shouts of welcome, the war-dance, and a feast, preceded conference. Some chiefs cast blame on colonial officers, and there was [illegible] amongst the Maoris. The Governor extolled [illegible] the Wanganui warriors, and appealed to [illegible] Queen and the law. Rangihiwinui [illegible] his readiness to lead a new [illegible] for permanent service for [illegible] his example. Sir G. [illegible] State that the removal

of troops at such a crisis would be disastrous, and that another battalion should be sent to New Zealand. Earl Granville, with cynical self-consciousness, answered: "It appears to me at this distance that you overrate the magnitude of the danger of the colony." More than 600 "wives, mothers, and daughters" of the Wanganui settlers made piteous wail to the Queen, imploring that Imperial troops might be left to guard them, and "avert their extinction." The Earl informed the petitioners that the Queen felt warm sympathy for them, but that he was unable to advise compliance with their prayer.

There was a strange cry from Otago where no danger to life was in question. Mr. Macandrew, the Superintendent, demanded Imperial help. "Self-reliant policy has failed. . . . The colonists regard the wars with the Maoris as matters of Imperial concern; they did not come to New Zealand to fight the Maoris: . . . they had no notion but that the rebellious Maoris must be subdued by paid soldiers, supplemented by the local militia." The Governor ought to use the extreme powers submitted to him and summon the Imperial troops, or to dissolve the Assembly and "have a fresh election" to convince him that the great majority of the "colonists disclaim being a party to the insult which is shown to the empire in refusing to use Imperial troops to assert Her Majesty's sovereignty, and to protect the lives and properties of British subjects from the atrocities of fanatic cannibals." Macandrew wished his letter to be sent to England for "submission to Her Majesty." The Queen, if she had known the facts, might have sighed, with Shakspeare's heroine, at the fantastic tricks which the angry creature at Otago was anxious to play with the thunderbolts of war. Colonel Whitmore having received levies of about 250 men from Auckland, placed garrisons in suitable posts, making [illegible] of defence at the south of the Kai Iwi stream. [illegible] held by 200 men, and the Wairoa redoubt by [illegible] The Weraroa pah was abandoned to the conqu[illegible] kowaru. He was in force at Nukumaru, a few m[illegible] the government line of defence at the Kai Iwi, bu[illegible] wary to encounter superio[illegible] in the field. [illegible] to Colonel Whitmore: "E[illegible] for the Pak[illegible]

Zealand for the Maori. Bethink you there has been fixed between you and us a great gulf, even the ocean. Why did you not take thought before you crossed over hither? We did not cross from hence over to you. Away with you from our country to your own country in the midst of the ocean." "Arise, and be baptized, and let your sins be washed away, calling upon the name of the Lord." Lieut.-Col. Herrick, unable to punish Titokowaru, seized his two messengers who had been received under a flag of truce.[16] They were imprisoned at Wanganui. But Whitmore was not satisfied with his own countrymen there. They were not making the sacrifices requisite to success. He advised that the town should only be held defensively, and that an expedition should be sent to the east coast to deal summarily with Te Kooti red-handed from the Poverty Bay murders, which the Ngatiporou chiefs were burning to avenge. Mr. Parris reported from Taranaki that Te Rangitake and Hapurona had set their faces like flint against proposals that they should side with Titokowaru. Waitara was therefore safe. Te Whiti was reported by Parris as peaceful and influential for good. As Sir G. Bowen had informed the Secretary of State that "the attempt to occupy the confiscated lands at Patea and Opotiki has been probably the immediate cause of the outbreak," it may be concluded that in the eyes of the Maoris there was sufficient provocation for war, but that many of them shrank from Titokowaru. Sir G. Bowen had perhaps been kept in ignorance of the illegal acts of Booth and McDonell when he attributed no importance to the violence attempted against Kohiri and committed against Ihaka.[17]

Many reasons induced the government to transfer active operations to the east coast. Colonel Whitmore had failed to inspire confidence amongst the forces in the west. [illegible] who were indignant at his aspersions on some of [illegible] mued an expedition of their own. Colonel Haul- [illegible] de it. Mete Kingi at a conference (23rd Nov.) [illegible] for their unwillingness to be led by [illegible] ey were ready to fight in their own

[illegible] f truce did not conceal but reported the [illegible] *Supra*, pp. 519, 520.

way without pay, but not to be led to a foolish slaughter like sheep. With a commander unacceptable to the Maoris, and who condemned the backwardness of the colonists, there was no prospect of immediate success at the west. Recruiting officers had been sent to Australia, but as yet no levies had been made. Whitmore went to the east. A ship of war sailed to Tauranga, which could be protected by ships. Sir G. Bowen entreated the commodore to retain at least two of his squadron, and implored General Chute to visit the colony, to show that the fighting men of the Queen were not careless about its fate.

Men who run no personal risk are often ready to stir others to deeds of danger. To them it seems as becoming for others to shed blood as for themselves to spill ink. The crack-brained Smith O'Brien was goaded on by writers who prophesied that Ireland was about to "rise as a nation" and "kill and capture" the Saxon intruders. He rose and became famous among the cabbages of Ballingarry. Punishment fell upon him, but was avoided by conspirators who from secure garrets had spurred him on. Newspapers in New Zealand were thorough in their demands. Rumours of the bloodthirsty expressions of some colonists and of a portion of the press in New Zealand reached England. The "Times" was startled. "Abstinence from excesses which would not be allowable in European warfare is necessary for English honour, and any different policy would be intolerable." The enemies of the Maori were indignant with the "Times." The "Wellington Independent" (26th Nov., 1868) declared:—"If the Imperial Government were willing to help us, and to crush that rebellion which has been the result of its own bad faith in the past, then English opinion might be entitled to some weight here as to the manner in which the rebel natives might be dealt with. But when John [illegible] tton-ing up his breeches-pocket, tells us, who a[illegible] for our very existence against a merciless foe, t[illegible] to be very temperate and merciful, we naturally r[illegible] had better mind his own business. We kno[illegible] what to do, and how to do it." At a later date [illegible] it said:—"Let the mother country give us [illegible] arms to settle a difficulty [illegible] brought about by

mismanagement, and we venture to predict that in our hands the New Zealand native rebellion will soon be brought to an end." Nor was this fiery breath confined to the press at Wellington. The "Hawke's Bay Times" (Dec., 1868), speaking of rewards offered for prisoners, declared:—"The fatal clause which requires the rebels to be brought in *alive* will completely nullify the effect intended. Death on the spot is what they deserve, and will most likely receive if they fall into our hands."

An event happened in Nov., 1868, which, if known to them at the time, must have gratified these writers. Titokowaru was in a pah, Taurangaika, near Nukumaru. About a mile and a quarter from the pah was a woolshed, belonging to a Mr. Handley. On the 27th Nov. a few Maori boys went thither (as some of them deposed in 1885) "to kill pigs and turkeys." One Captain Newland, with "sixty-six of all ranks," was passing by, and the children were by his order charged, having been seen from a distance. His official report to Colonel Whitmore stated that he had succeeded in "killing eight, with sabre, revolver, or carbine, besides wounding others." He commended the "extreme gallantry of Sergeant G. Maxwell, who himself sabred two and shot one of the enemy, and was conspicuous throughout the affair. . . . The enemy turned out immediately and kept up a sharp fire, following us about three miles." Many years afterwards the circumstances were investigated in a court. A chief, Uru te Angiha, who was at Taurangaika pah in 1868, and sallied out to pursue the cavalry who had fleshed their swords upon the children, deposed (before a commission) that one slain boy, Kingi, was "the biggest of them;" that, in his "judgment, Kingi was about ten years of age," was killed "by a sword and a gun," and "had two sword wounds on the head;" that Akuhatu was "shot with a gun on the back, and cut with [illegible]word;'" that "he was not ten years of age;" that Ihaka [illegible]ngi, a relative of the witness, was equally small, and [illegible] head with a sword," besides being [illegible]ith a gun."

[illegible]he child thus mutilated appeared [illegible]lington, and showed his scars. [illegible] of the slain boys; that he saw

Kingi's "head split completely open," while he was "in a ditch;" that the tallest of the children was "about four feet;" and that he himself was carried wounded to the pah. Cross-examination did not shake his evidence, and his apparent age in 1885 confirmed his statement as to his childhood in 1868.

Sergeant Handley testified in 1885 that he and others stood by the side of a dead boy of about four feet or four feet six inches in height. When the troopers charged (Handley said) "it struck me that they were children, small and big boys." The judge before whom this evidence was produced in England, in 1886, said, in summing up:—"Something occurs which ends, not in fighting, but which ends in what I should say would be a massacre at Handley's woolshed." "You have the fact that two boys undoubtedly were killed."

Thus, by the machinery of the law, two children were proved to have been killed and three wounded before the cavalry fled from the grown Maoris who issued from the pah. Captain Newland, asked in 1885, "From whom did you get your information as to eight men having been killed?" replied: "From Sergeant Maxwell and some of the members of the Kai Iwi cavalry."

Newland complimented his officers on their gallantry; Colonel Whitmore confidingly described the slaughter as "a successful affair conducted with a cavalry column." The Defence Minister sent the deceptive narrative to the Governor, who, in writing to England, dignified what the English judge called "a massacre" by classing it among "sharp skirmishes." Sergeant Maxwell, a few weeks afterwards, was himself shot in what Uru te Angina called "a foolish attempt to carry off a flag attached to the double partitioned and entrenched" Taurangaika pah. Rangihiwinui was disgusted at the killing of the children, which was talked about, though not officially reported. He testified in 1885 that in a dispute with an officer he "remarked at the time, 'If I knew you were going to kill children I would have nothing more to do with the fighting. Colonel Whitmore interfered and pacified us.' Do you mean you would not fight any more on behalf of the Queen? 'Yes.' You threatened to resign? 'Yes; I said I

would resign if such things were done.' " Colonel Whitmore was also examined in 1885 about the report he received from Newland in 1868. He swore that in 1868 Rangihiwinui "was our mainstay on that coast, and in everything that occurred he was allowed to have very full say."

It was fortunate that when editors[18] in Wellington and Hawke's Bay were screaming for slaughter, a nobler example was shown by a Maori.

In addition to supplying the Secretary of State with newspaper scraps, Sir G. Bowen sent a note from the Chief Justice, declaring that "The colony must brace itself up to hold its own until the time arrives when the native race may feel constrained to respect us in our strength as they now despise us in our weakness." The Speaker, Sir David Monro, publicly advocated a suspension of the Constitution in the North Island. Let the Queen be asked to resume control of native affairs. The colony had failed to cope with them. Let the North Island be subject to an Imperial Commission. When murderers marched amid the glare of burning homesteads, there was no time for a "discordant Parliament to be wrangling and coming to no result." Self-reliant policy was, in the Speaker's opinion, impossible in a country where provincial interests prevented unity and

[18] In a New Zealand publication ("Labour," 17th April, 1884) it was asserted that "one of the most trustworthy of the old residents about Wanganui" told the writer that after the massacre of the children at Taurangaika "one of the swashbucklers related in the Wanganui hotels the trouble he and his comrades had to spit the children with their swords, from their dodging about in the ditch that was covered with furze, and how they prodded for them as they rode along the side of the fence."

Before a Commission of the High Court of Justice, Queen's Bench Division, Arthur Wicksteed at Wanganui (13th May, 1885) testified that he "was acting as a trooper" at Taurangaika in 1868. . . . "I saw George Maxwell stabbing at what I presumed to be a native in the ditch. . . . After I had fired at the last native, and G. Maxwell was prodding at the native in the ditch—a few seconds afterwards—Lt. Bryce came up from the rear, and ordered us to retire."

It has been at some cost, and after a long lapse of time, that particulars of the "extreme gallantry" displayed at Taurangaika have been obtained.

> There is some soul of goodness in things evil,
> Would men observingly distil it out;

and truth is more precious than money. A historian cannot often procure the aid of a Commission of the High Court of Justice in eliciting truth, but when it has been thrown in his way he would be ungrateful if he were to neglect it.

national spirit in the Parliament. Mr. Fitzgerald deprecated the demand for troops, but urged that England should furnish money and arms. But Mr. Fitzgerald had misgivings when he looked at the colonists of the day, worsened as they were by a swarm of gold-seekers. "The men around one no doubt talk glibly of their political privileges, but I doubt whether they have the same deep love for liberty as had the men of Massachusetts. . . . No one who reads the history of the Pilgrim Fathers, and witnesses the events passing around him in this colony, but must painfully feel conscious that the colonist of the nineteenth century is in some respects a lower type of man than his forefathers of the sixteenth." In January the Governor sent to England a petition adopted at Auckland, praying for the suspension of the Constitution as the only remedy for "the evident incapacity of the colonial government." A petition from Southland joined in the prayer that the Constitution might be suspended. From north and south there was the same appeal for help. Sir G. Bowen implored for delay in removing the troops. In case of their withdrawal many competent judges thought a general rising probable, accompanied by tragedies dreadful as those of Delhi and Cawnpore. Peace might be hoped for on three conditions: A garrison of two battalions of the line; prohibition of fresh settlements in insecure positions; a peaceful arrangement with Tawhiao not inconsistent with the suzerainty of the Queen. Thus, after exhaustion of blood and treasure, Sir W. Denison's advice (rejected in 1860 by Governor Browne and Stafford's ministry) was forced upon Stafford in 1868, and with his consent was recommended to the Crown. Earl Granville had but one song to sing, and he hummed it at his leisure. Te Kooti was far from his fireside. The troops must be withdrawn. The other propositions appeared to him judicious, but were for the local government to decide upon.

The desire of the representatives that the 18th Reg[illegible] should be retained because the colony was "virtu[illegible] fulfilling" the condition imposed by Earl Carnarvon [illegible] met with contradiction to the House and rebuke t[illegible] Governor. The colonial government had not, as [illegible] Governor supposed, signified their acceptance of

Carnarvon's offer, and, if they had, Earl Granville was not prepared to repeat it. He was surprised at the Governor's statements, "which might have greatly misled Her Majesty's government." Before receiving this reproof, Sir G. Bowen endeavoured to establish friendly relations with the Maori king. A Waikato chief, Rapihana Otaota, was persuaded by Wi Tako Ngatata to see the Governor at Wellington. Sir G. Bowen asked if Tawhiao was aware that by his command Te Whero Whero's tomb had been repaired. Rapihana said, Yes; but that Tawhiao grieved that a green-stone "mere" buried at the foot of the Ngaruawahia flagstaff had been removed, and was in the hands of the government. Sir G. Bowen said the "mere" had never been in possession of the government. If they could obtain it they would at once restore it to Tawhiao.[19] He asked if Rapihana had any message, or what was the object of his mission. Rapihana said he bore a message to Maoris. 1. The sword is to be sheathed. 2. The leasing of land is to cease. 3. The selling of land is to cease. 4. The digging for gold is to cease. He would like to know the Governor's opinion of the message. Sir G. Bowen, in startling incongruity with his despatches, said: "The sword *is* sheathed." He bore words of goodwill from the Queen. He must punish Te Kooti and Titokowaru, but desired peace with the amiable Tawhiao. Rapihana said the first part of his message was its main object. The other provisions related only to the king's territory. Tawhiao had no sympathy with Te Kooti and Titokowaru.

[19] The fragility of promises was shown in this instance. Burial-grounds and sacred places were often rifled in search of treasures, or in revelry of spoliation. Ngaruawahia, occupied by General Cameron in 1864, had become the site of a town named Newcastle. An innkeeper dug at the foot of the flagstaff of the Maori king, and found there a mass of green-stone which the Maori artificers had begun to shape into a mere. He intended to sell it. Mr. Searancke, a government official, demanded it. The man refused to yield it, and fearing that Mr. Searancke would overcome his resistance, broke the green stone into three pieces. Sir G. Bowen (1868) promised with effusion that it should be restored, and his words were [illegible] recorded. The reader might imagine that it was impossible [illegible] Not so. In 1879 the author saw it in the Auckland [illegible] this label: "Greenstone found at the base of the flag- [illegible] the 'mana' of the Waikato." The [illegible] stone had been about 14 inches long, [illegible] and a half thick.

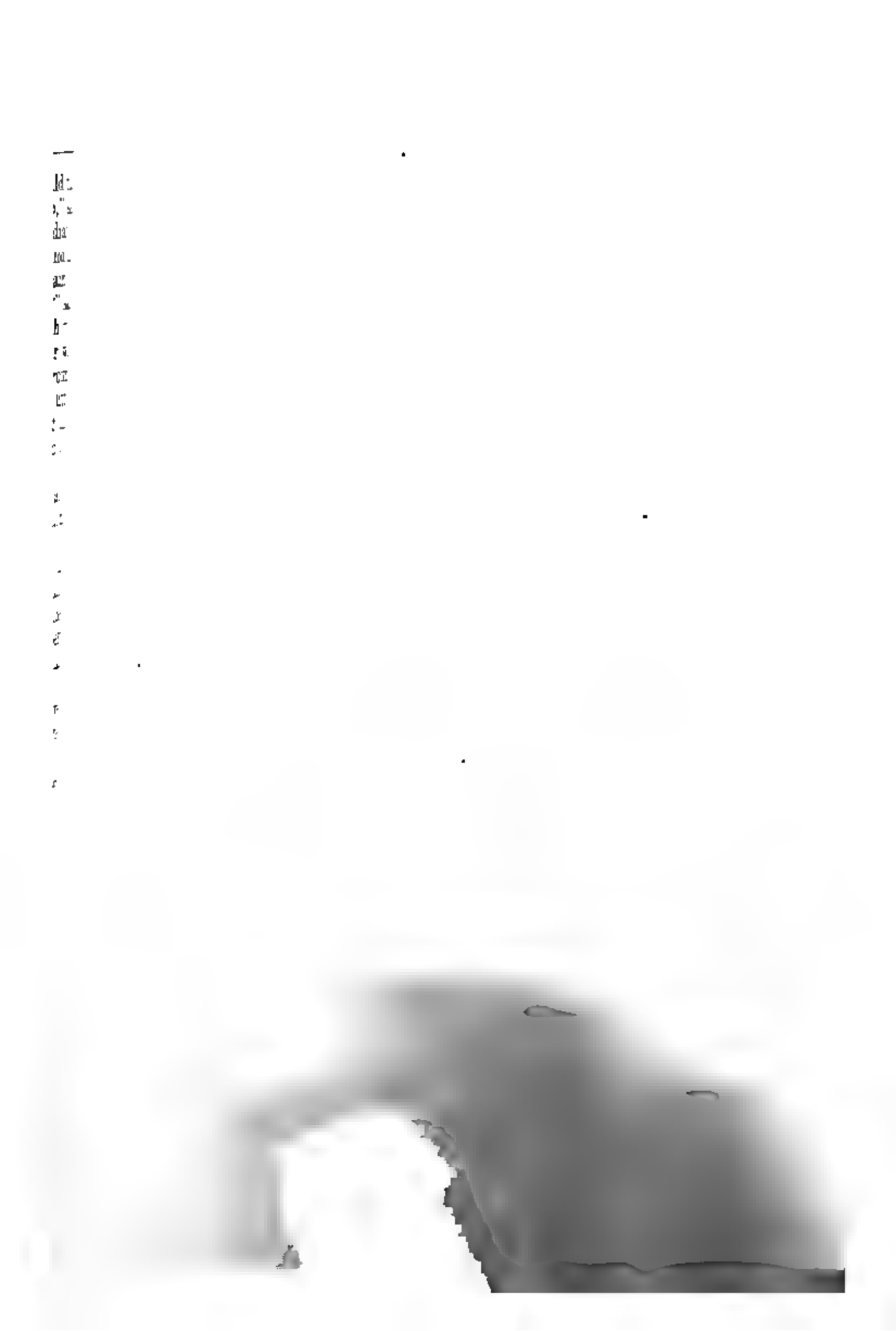
The Governor wished to see Tawhiao at Auckland or Wellington. Rapihana wanted to know if the Governor would afterwards visit his king at Tokangamutu. In such a case the Governor said he would gladly visit Tawhiao as he had visited "other great Maori chiefs." Rapihana declined to merge the royalty of his master, and dryly remarked that perhaps Tawhiao would shrink from seeing the Governor inasmuch as the title of king had caused great trouble. Sir G. Bowen sent a letter (8th Jan., 1869) to Tokangamutu, declaring that there was peace between the government and Tawhiao, and told Lord Granville that the letter was "drawn up with the aid of persons deeply skilled in the native customs and feelings."

When Ropata and Hotene, after chasing Te Kooti from Makaretu (3rd Dec.), saw his eyrie at Ngatapa, the allied Ngatikahungunu under Tareha desired to attack the enemy forthwith. Hotene, grieved at the mercy extended to the prisoners who had been spared, declared the omens bad, and it was only after much persuasion that the Ngatiporou agreed to attack Ngatapa on the following day in concert with Tareha. The latter, however, when informed of the arrangement, declared that he had been insulted and took his men home. Ropata, nevertheless, with Mr. Preece, proceeded (5th Dec.) to the attack. Wairoa natives under Ihaka Whanga accompanied Preece. An advance-guard, of which Preece was one, reached the fortress, and sustained a volley, which, in spite of the remonstrances of Ihaka Whanga and Preece, created a panic, and the men fled half-a-mile, leaving Ropata close to the pah. Mr. Preece returned to him, and gallantly the two with sixteen Maoris scaled the forest cliff until they found themselves exchanging shots with the enemy at a distance of less than 30 yards. Ropata, established in his dangerous position, entreated Preece to go back and bring up more men. Preece went, and found that most of the runaways had fled to Makaretu, and that Ihaka Whanga had failed to stir his people. Nine men returned with Preece to Ropata, wh was furious, and hastened back for more. He persuade 30 to return with him. Holes to serve as rifle-pits on th edge of the cliff were scooped out with a bill-hook a hands, and at 3 p.m. Ropata with his small band storm

an outwork. A messenger reported the success to Ihaka Whanga, and 30 more men joined Ropata, carrying welcome ammunition. At dusk, Preece again went back for more ammunition, and in Ropata's name vainly entreated the main body to advance. With Ropata his own relations were as daring as himself. But there was method in his rashness. When he had fired his last shot he withdrew before dawn and strode through the camp of the fugitives who had deserted him. Ropata's men looked not upon the deserters, but camped apart in silence. The shamed offenders feared to approach the chief. Captain Porter, who was with them, was deputed to intercede. Ropata gave him no heed for some time. At last he said: "My people have betrayed me. I will have nought to do with them. I will go back to Waiapu for others; and when I come back if I find the Ngatikahungunu here I will attack them for deserting me." He marched towards Turanga, and met Colonel Whitmore, who had just arrived by sea from Wanganui with armed constabulary, and was proceeding to Ngatapa. Whitmore begged him to return. He answered: "I never break my word. I have said I will go to Waiapu, and I will. I will come back with other men and attack the Hawke's Bay tribes who abandoned me." It was long before he consented not to attack the Ngatikahungunu; but he yielded at last, and as his journey to Waiapu could not be stayed, Whitmore facilitated it by placing a steamer at his disposal. Fires were seen at Ngatapa, and so confidently was it thought that Te Kooti had fled, that Whitmore prepared to send back some of the constabulary to Wanganui. The vessel in which they embarked ran aground and they were relanded. Te Kooti, meanwhile, sent a marauding party which killed two Europeans and one Maori. The smoke at Ngatapa had not risen from houses abandoned to the flames, but from the destruction of the scrub near the fortress in order to deprive assailants of that shelter under which Ropata had cap[illegible] outwork.

O[illegible] h Dec. Colonel Whitmore advanced, and on [illegible] ridge a mile from Te Kooti's [illegible] from Waiapu with 370 men, [illegible] acting messages to hasten

the sick man's movements. At last he said he would take Ngatapa by himself if Ropata shrunk back. "Be it so," said the chief—"I tried; it is his turn now." He immediately halted his men. Whitmore was told that bluster would not prosper against Ropata, and went in person to explain on the following morning. "Have you taken Ngatapa?" said Ropata. "No; I want your help." "I will be with you to-morrow." Mr. J. C. Richmond, the Native Minister, was with the forces, and begged Ropata to retire on the ground of illness. "My tribe," he answered, "would be of little use without its chief." On the 30th Dec. he was at the front, and plans were laid for the capture of the stronghold. It stood on a peak about 2000 feet high on a tortuous forest range, girt on each side by precipitous gorges and rugged intervening ridges. Triple lines of fortification, with deep ditches, guarded the front, and the crest of the range was narrowed in wedge-like form in the rear of the pah. The outer parapet, seven feet high, extended on each side to the edge of the range, but was formed with angles near its junction with the cliff in order to cover completely an attacking party. The inner parapet, more than twelve feet high, was guarded by sand-bag loop-holes to enable the robbers to fire in safety. Covered ways from parapet to parapet, and pit to pit, protected the garrison in their movements. As usual there was insufficient provision of water, and before Ngatapa was taken the garrison were compelled to collect rain on blankets and clothing stretched out for the purpose. The attacking force contained 242 armed constabulary, 60 Arawa, and 370 Ngatiporou. The sides of the winding range were so steep as to defy approach, and the plan of the assailants was to advance by sap in front, while Major Fraser with 200 men was sent to the rear to prevent escape. The task was difficult, and when shots had been exchanged (31st Dec.), Whitmore, after consulting Ropata, altered the route by which Major Fraser was to reach his post. Ropata himself undertook, with sixty Arawa and sixty Ngatiporou, to gain, unseen, the wooded crest of the ridge on the enemy's left front. In front, on his right, in his rear, with no unguarded space except a precipice too steep for foothold, Te Kooti was hemmed in. Known to



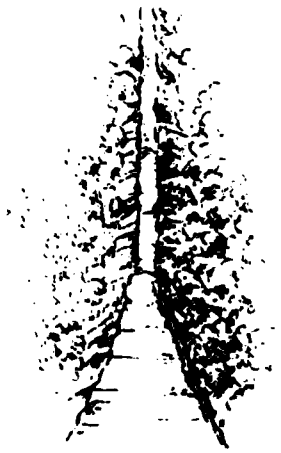
SECTIONS OF

NGATAPA PAH,

POVERTY BAY,

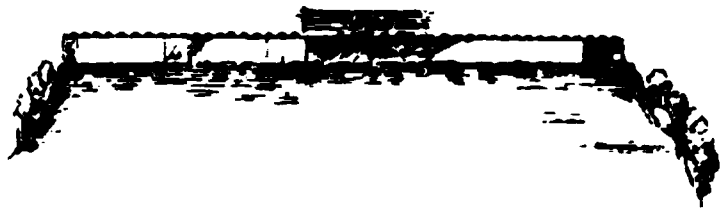
Taken by the Colonial Forces under Col. Whitmore

5th Jany 1869.



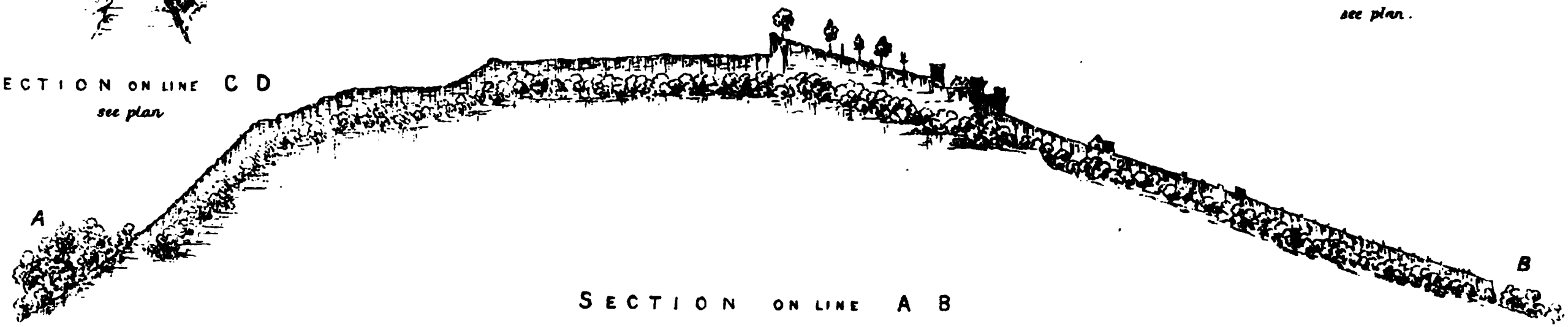
SECTION ON LINE C D

see plan



SECTION ON LINE E. F.

see plan.



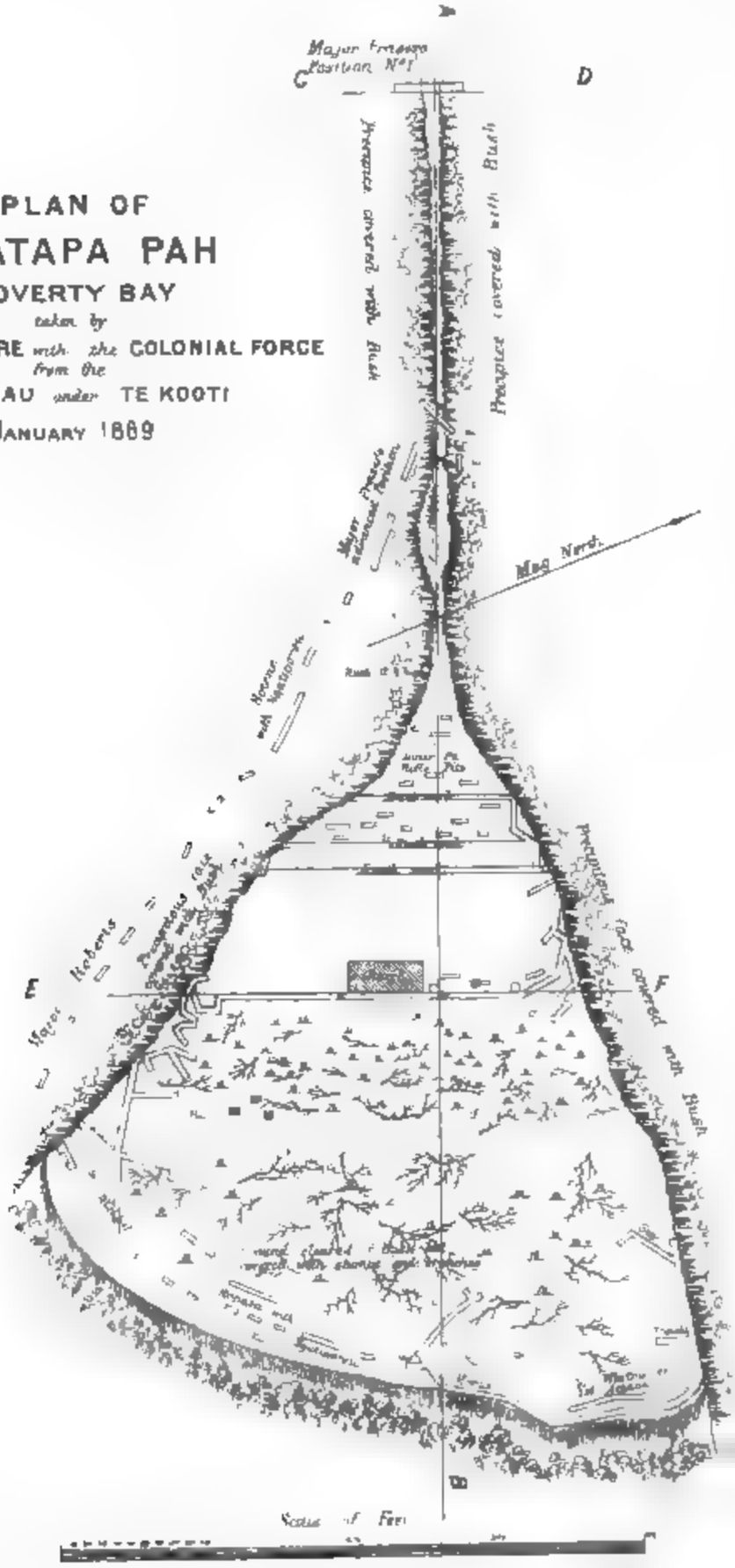
SECTION ON LINE A B

see plan.

Scale of Feet

O.L.W. Bousfield,

Staff Surveyor.



(1) J. M. Brunstrom
Staff Surveyor

Between pages 558 and

have been wounded, the tiger was thought to be now caged securely. For several days there was firing upon and from the trenches. Shells were thrown into the pah. "Ropata was indefatigable in inspecting his line and keeping the men to their duty." Captain Brown was shot dead. Captain Capel was wounded. Many sorties were driven back. In one which was foiled by Major Fraser, on the steep-sided ridge in the rear, three of his force were hurled over the precipice, and four of the Hau Haus were shot. Major Fraser was not aware that Te Kooti's force was not more numerous than his own. The desperation of the foe made him report that he could no longer hold his position unless an attack could be made in front. That attack Whitmore desired to make. But the wiser Ropata would not lead his men to certain slaughter; and his counsels prevailed. By a concealed movement the outer ditch and fortification was to be surprised. A band of Arawa and Ngatiporou undertook the task, while heavy firing from the trenches occupied the attention of the besieged. With a bound and a cheer, after scaling the cliff, the assailants seized the left corner of the work, the outnumbered foe falling back before them. The sap was driven rapidly onwards to the next line of defence. The right extremity of the front was similarly stormed by the Ngatiporou under Wikiriwhi and Arapeta. The toils were thus closed on the besieged at dusk on the 4th Jan. At dawn Colonel Whitmore was preparing to annihilate them, when he learned that they were escaping. In the night, by lowering his men, and some of the women, down the precipice on his left, Te Kooti, wounded a second time at Ngatapa, and one of the last to leave his fortress, had again escaped, with a half-starved and weary band. Pursuit by the conquering Maoris was immediate and relentless. Whitmore took credit in his report for the mercy extended to women and children found in the pah, for "the women had fought and excited the men by their cries." He did not repo[illegible] and children found in the pah were Te [illegible] ndoned in it. On the 8th Jan., it was as[illegible] tapa, and in the pursuit, 136 Hau Hau[illegible] ny of [illegible] wounded, Whi[illegible] aid, [illegible]

forests in rear of Ngatapa. The character of the chase may be learned from a phrase in his official report: "The pursuers were few, if any of them, acquainted with Te Kooti, and it is possible he may be among the killed." Whitmore was loud in praise of his officers and men. "To none was I more indebted than to the chief, Ropata Wahawaha. His courage in the fight was equalled by the wisdom of his counsel and the command he possessed over his men; whilst his knowledge of the position, derived from a previous chivalrous attempt to take the place with a handful of his tribe and three or four Europeans, was of the greatest value. He was well supported by Hotene, Wikiriwhi, and other chiefs. Captain Gundry and the Arawa were the admiration of the whole force. Always in front, always cheerful and obedient, as brave as they were well-behaved. Much of the credit belongs to their officer." The loss of the attacking force was 11 killed and 8 wounded. Captain Brown, of the armed constabulary, and Heteraka, a brave and high-born Arawa, were signal losses. The latter fell while reconnoitring the enemy with Major Fraser. Amongst the slain were trusted leaders. They were not all slain in battle or in fight, nor was the manner of their death reported. But it could not be kept secret. The Maori allies would not affect to conceal what in their warfare was not shameful. Mr. J. C. Richmond, the minister, and Colonel Whitmore, the commander, made no resistance to the demand of Ropata and his friends that they should deal with captives. A reward of £1000 was offered for the body of Te Kooti dead or alive (as Mr. Stafford afterwards declared to the bewildered Governor). Ropata's dealings were thorough. Women were among the victims. As captives were brought in, singly or in small parties, they were shot and precipitated over the natural rampart which had failed to guard them. Some betrayed fear or discontent as they faced their doom. One old chief, highly tattooed, with scornful countenance seemed to welcome his foes to do their worst, which could in no wise shake his soul. Pride was in his eye as he met his fate. Europeans looked on, while for several hours the slaughter was continued, as each prisoner was dragged to the presence of the conquerors. Lieutenant Gudgeon, in his book on the war,

remarks:—"Those who surrendered were brought before Ropata, who, after a few questions, ordered them for execution. The system was simple: they were led to the edge of the cliff, stripped, ... then shot, and their bodies hurled over the cliff, where their bones lie in a heap to this day. Some of the pursuers were two days absent, and even these brought in prisoners." The soul of the editor of the "Wellington Independent" must have rejoiced; for, although not officially reported, the facts became known. The "Hawke's Bay Herald" (12th Jan.) threw a lurid light upon them. It was said that besides a reward for the head of Te Kooti, Mr. Richmond had offered £50 for the head of Nikora, and smaller rewards for the heads of others.

"The good effect has been seen in the arrival of a great many prisoners, who are shot as soon as they arrive. . . . We have taken from Te Kooti in all 200 women and children prisoners.[20] Such objects! . . . At Ngatapa I saw quite enough to convince me that if Ropata's advice had not been followed, and Ngatapa had been stormed when Col. Whitmore proposed, most of our force must have been destroyed; and every man of the force with whom I have conversed is of the same opinion."

The head of Nikora was brought in and paid for.[21] Colonel Whitmore, writing officially from Turanganui (8th Jan.), coolly said: "Among the dead are many men of note, Nikora of Ngatihineuri, the leader of the murdering party. . . . ." Nikora was found severely wounded, but the fact did not save him from slaughter. The result of these proceedings is briefly shown in a Parliamentary paper laid upon the table of the House of Commons on the 8th April, 1870 (C. 83, p. 78).

Date.	Place.	Killed.	Captured.	Total.
1868—23rd Nov. to 3rd Dec.	... Makaretu	... 29	None	29
5th Dec.	... Ngatapa	... 10	None	10
1869—3rd to 5th Jan. ..	.. Ngatapa	.. 136	None	136

[20] The emaciated condition of Te Kooti's prisoners was pleaded (to the author) by one officer as an excuse, if not a justification, for the slaughter of the Ngatapa captives. Yet that officer saw with a pang the killing of the resolute chief who in death seemed to breathe defiance.

[21] In a memorandum sent to the Governor (22nd [illegible] Richmond said: "I purchased the head by a sum of £50 [illegible] head should be buried. A thousand pounds was on the [illegible] Kooti . . . and would certainly have been paid for his [illegible] Five pounds was also offered for every one of the Che[illegible] this reward has been claimed in two or three cases. [illegible] captured was afterwards killed, &c." Blue-book 1870 [illegible]

Nor was the slaughter of the wounded and the prisoners at the steep of Ngatapa, the only process of unlawful killing, if a tale narrated by a member of the constabulary force in 1879 be true. Lieutenant Gudgeon recorded that, after the taking of Ngatapa, three Maoris appeared at Poverty Bay, whom the settlers suspected of having been accomplices with Te Kooti in the massacre in which Biggs fell. "Justly indignant that men who had so lately murdered women and children should be allowed to settle again among them, the settlers formed themselves into a vigilance committee, and some of the members bound themselves by oath to shoot the next lot of ruffians who made their appearance." Accordingly one Benson shot "the man told off for him." To cloak the deed with nominal decorum a coroner's inquest was held, and Benson was made a juryman. (Gudgeon says he was unwilling to act.) Benson acted on the jury, to which he narrated his exploit. The result the reader is entitled to see in the precise words of Gudgeon, who styled himself "Lieut. and Qr.-master, Colonial Forces, New Zealand:" "The intelligent jury, having heard his statement, brought in the following verdict:—'Shot by some person unknown, and serve him right.' A piece of pure patriotism that deserves commendation in these degenerate days."[22] Mr. J. C. Richmond informed the Governor that there was an inquest, but the jury returned an open verdict, the neighbours "sympathizing, not unpardonably," with the accused. Te Kooti's force being shattered, and the forest encumbered with their remains, Ropata was left to chase Te Kooti. Captain Westrup was to assist, or nominally to guide him. Having exhibited his own ruthlessness and the complicity of Stafford's government, Ropata soon afterwards spared 80 persons, women and others, not known to have been fighting against him. Gudgeon says that when asked the reason of his clemency he replied: "I thought you Pakehas might call me a butcher."

At this time Sir G. Bowen received a reply to his cry for help in Sept., 1868. The Duke of Buckingham (1st Dec., 1868) was sorry for the disaster at Ngutu-o-te-manu, but

[22] "Reminiscences of the War in New Zealand," p. 255. London: 1879.

could not suppose that 220,000 Europeans, with the loyal Maoris, were unable to dispose of a few hundred rebels. He found "no reason to vary the instructions already given." The troops would leave New Zealand on the arrival of the transport ship, and it was difficult to imagine such a state of affairs as would induce Sir G. Bowen to "adopt the responsibility of detaining" any troops after receiving his instructions.

General Chute visited New Zealand to make final arrangements. Stafford denied that abandonment by the Imperial government of control over native policy was conditional on being relieved from responsibility for defence of the settlers. His Grace's statements, he said, "teemed with inaccuracies and anachronisms." They were only fit to eke out foregone conclusions, and, except in order to defend the character of the colony, deserved no notice. The colony would have learned with lively interest the views of the Imperial government as to future relations. "The total silence of his Grace on this subject (for it can surely not be intended that the interchange of condolences and reproaches is to be the only future nexus), and the absence of any indication of a positive policy, deepen the peculiar impressions made by the despatch of the 1st Dec. last."[23] Earl Granville commented (23rd April, 1869) on Mr. Stafford's protest. "As I cannot doubt that Her Majesty's troops will have finally left the colony before this despatch reaches you, I do not think it advisable to pursue a discussion which is no longer practical, and which is naturally viewed in a different aspect by the government of this country and by that of New Zealand."[24] It was perhaps impossible for Earl Granville to treat the question satisfactorily in 1869. He was now serving under Mr. Gladstone, who had in 1846 been a member of the Peel government which honourably administered New Zealand affairs. The policy of Peel and Derby was now exploded. The new order of things was incapable of defence; but much could be done by stifling inquiry or by evasions. The [illegible] rejected Sir G. Grey's appeal for inqu[illegible] [illegible]ner. An adroit sneer would serve ins[illegible] [illegible]ut down

[23] P. P. 1869, p. [illegible]

pertinacious colonists; and the Earl did not reflect that successful and insinuating retorts which amuse the House, where they can be explained away as gentle trifling, might, when committed to a despatch winged to the uttermost parts of the world, rankle in the minds of those whom it was unwise to taunt, and whom no explanation could soothe until after lapse of months. Colonists in England protested against the removal of the troops. Sir G. Grey, Sir Charles Clifford, Mr. Sewell, Major Atkinson, and Mr. J. L. Campbell declared "with sorrow that the policy" of the Colonial Office was "calculated to drive the colony out of the Empire." Major Atkinson also wrote an urgent letter (17th March, 1869) to Sir G. Grey, which the latter forwarded to Earl Grey. The Earl replied that the 18th Regt. would be left in New Zealand until May, by which time he hoped the alarm of persons connected with New Zealand would be diminished. Other colonists in England, Mr. Waterhouse and Mr. G. Graham, separately addressed Earl Granville. The former wrote (June, 1869): "If those troops be withdrawn the blood of thousands of your fellow-countrymen may lie at your door, and England may witness the destruction of a thriving colony." He urged a reference to Sir G. Grey. Earl Granville retorted that the government must "measure the importance of presence of troops not by statements of private informants," but by the deliberate acts of the government and legislature. Mr. Graham deprecated removal of troops, not because he wished to coerce the natives, but because he would not trust Mr. Stafford . . . (who) "some years ago urged Governor Browne to commence the unjust and unnecessary Taranaki war over the disputed sale of the Waitara. All parties in Auckland that had anything to lose strongly protested against that act of injustice. . . . Mr. Stafford and the relatives of some of his colleagues then in office are in the present ministry, . . . and I do, as an old colonist, protest against the Imperial guarantee being given to [illegible] future loan for war purposes. . . ." The Earl [illegible] acknowledged the receipt of the letter.

A misconstrued telegram delayed the removal [illegible] troops. In March, Mr. Stafford sent questions to En[illegible] Could a regiment be retained on Earl Carnarvon's [illegible]

tions of 1866? If not, by what payment per head? Could more than one regiment be kept if paid for? If retained, could they repress insurrection if directed by the Governor? If not employed in the field, might they support colonial outposts? If the Governor might not use his discretion, might "troops be stationed at such of the following posts as he might indicate—viz., Auckland, Taranaki, Wanganui, Wellington, Napier, Tauranga, Ngaruawahia, Taupo, Patea; and what would be the minimum strength of a detachment at any of the four last-named places?" If Mr. Stafford expected that conscious ignorance of details would remit their control to the Governor, lest the Earl should fail to distinguish between some inland post and a seaport, Mr. Stafford was disappointed. The Earl thought it unfortunate that such questions should be asked on the eve of the removal of troops. Mr. Stafford's difficulty in understanding on what conditions troops might be retained was not due to variations of policy in England, but to the fact that no conditions existed, the only conditions proposed from England having been rejected in the colony, and no others having been propounded. He found no basis for a change of policy in Mr. Stafford's minute. He sympathized much (21st May), and regretted the crimes of a portion of the rebels, but could not change his policy. The local government must determine whether to continue the war, or to aim at a peaceful solution by such negotiation with Tawhiao as had already been suggested and approved.

The Stafford ministry felt that, whatever they might wish, they could procure no men from England, and it is notable that in a memorandum which Stafford wrote to the Governor concurrently with the one sent to Lord Granville, he said that the ministry were considering the policy of extending the liberality shown to natives who had been dispossessed of land for acts of previous aggression. Confiscation was felt [illegible] high-handed wrongdoer at Waitara to have been [illegible] far. Poverty of resource, not sympathy with [illegible] duced a change of tactics. There was general [illegible] king might do. Through the [illegible] med information, and to them

his despatches were shown.[25] He wrote (15th March) that it was generally estimated that the so-called "Maori king could bring from 10,000 to 15,000 practised guerilla soldiers from the central highlands against the European settlements, and after diligent recruiting throughout New Zealand and in Australia, the Colonial government has been unable to raise its permanent force of armed constabulary to above 2000 men." (Tawhiao could bring into the field no such force as was mentioned by Sir G. Bowen, whose apprehensions outflew all facts.) A Maori meeting was expected to take place. The debt of the colony was enormous in proportion to its income. Earl Granville was withdrawing troops in language which embittered the fact. Mr. Stafford arrived at the conclusion that on loyal Maoris and on justice to all Maoris the colony ought to rely for safety. The Native Minister submitted a minute (11th March, 1869) averring that "the government were making renewed attempts to remove the suspicions of the moderate (Maori) party, and would meet any pacific overtures that might be made, in a liberal spirit."[26] The official letter of January, soliciting a peaceful arrangement with Tawhiao, still indicated the direction in which Stafford felt constrained to move.

[25] Sir G. Bowen was admonished for irreticence by Lord Granville. "It is convenient that the Governor should observe the rule of never in any public despatch, using language which refers to or discloses the existence of any confidential despatch unless that confidential despatch has first been made public by the Secretary of State." . . . The censure was ineffective upon its subject, for in after years, while Governor of Victoria, he committed a similar indiscretion by communicating to others the confidential despatches of his predecessor, Viscount Canterbury.

[26] P. P. House of Commons (307) 1869, p. 376.

CHAPTER XVI.

1870—1871.

THE WEST COAST.

While Earl Granville put away serious considerations, Colonel Whitmore was at work in New Zealand. After the capture of Ngatapa he returned to the west coast. Colonel McDonell and Rangihiwinui had not been idle during his absence. Ngutu-o-te-manu was found unoccupied, and was destroyed. Large stores of potatoes found there were uncovered and left to rot. Colonel Whitmore (2nd Feb.) shelled Tauranga-ika, and prepared to invest it on the 3rd. Titokowaru, though sheltered behind double rows of palisades backed by rifle-pits and by strong cover for marksmen, disliked shell practice, and on the morning of the 3rd he was gone. His rear-guard escaped the pursuit of scouts. There was no gateway through the palisades, no egress except by underground passages. Palisaded roads traversed the interior. Wondering at Titokowaru's flight from such a stronghold, Whitmore pursued. Titokowaru trusted apparently to ambuscades, for when ten men with their commander's permission went to collect peaches, seven were killed and one was wounded before a relieving force could go to their rescue. Rangihiwinui, with a band of [illegible] and Wanganui men, scoured the country without [illegible] tahi.

[illegible] that the Rev. J. Whiteley, a [illegible] prominent in opposition to Te

Rangitake, and defended the terms of the proclamation of martial law in the Maori language which Stafford sent to Taranaki in 1860. Though more than sixty years of age he laboured earnestly in his sphere,[1] strong in opinion, and vigorous in body. It was his custom to ride from Taranaki to different outposts on Saturday. He was proceeding (13th Feb., 1869) to Pukearuhe, at the White Cliffs, where Lieut. Gascoigne with his family resided. On that day a small band of Maoris had descended on the redoubt and had slain Gascoigne, his wife, three children, and two men. As the missionary, after crossing a stream, was ascending the hill on which stood the redoubt, he was ordered by Maori voices to go back. He rode on. A volley was fired, and his horse fell. He was seen to kneel in attitude of prayer. Another volley was fired and the brave man passed away. When the tidings reached Taranaki the bodies were taken thither for interment, and an obelisk was erected in memory of the eight persons thus slaughtered at the White Cliffs. When these massacres occurred, there were rumours of intended outbreaks elsewhere. Taranaki was in terror. Though a detachment of the 18th Regt. was there, it was under orders to leave in a few days. Sir G. Bowen reported that among the miners at the Thames river, Fenian conspirators were tampering with the Hau Haus. A Fenian flag was sent to the Maori king by men with the patronymics of O'Connor and O'Neil, the former of whom, with the vanity which made Wolfe Tone admire himself in French clothes in Paris, exhibited to the Maoris a photograph of himself in Fenian uniform. Plaintively,

[1] On the 30th Sept., 1868, Mr. Whiteley had written a foreboding letter. He had never felt so despondent during 35 years. The troops were gone or going. The rebels would "seek 'utu' (payment, revenge) for all the past." In Abyssinia the English had completed their work, and the author of evil was slain, whereas the army was withdrawn from New Zealand before it had done its work. . . . "It has been said the natives are fighting for their lands. But the earth is the Lord's, and for 600 years he has been waiting for them to occupy. Six hundred years more may find them with millions upon millions of unoccupied acres; and Providence indicates that now shall this portion of his earth be occupied by those who are able and willing to bring forth the fruits thereof." If such was the measured language of a serious letter, it requires little imagination to suppose that, in casual speech, words might be said which would excite ill-feeling amongst fanatical members of the tribes.

the Governor thought it unfortunate that the entire withdrawal of English soldiers should take place on the eve of the arrival of the Duke of Edinburgh in the colony. With this dark hint, Sir G. Bowen promised to inform Earl Granville of the progress of events. He was mistaken if he thought that any danger to the Duke of Edinburgh in New Zealand would alarm Lord Granville in London. Meanwhile, no mercy was expected for or from Te Kooti or Titokowaru. The former, with a band of unknown numbers, swooped down to the Bay of Plenty from the Uriwera mountains early in March, scaring settlers and their families to redoubts at Tauranga and Opotiki, capturing a pah, destroying a settlement at Whakatane, and killing all who resisted. Kereopa was said to be with him. An old French settler sold his life dearly, defending his house. From the deck of a steamer Te Kooti himself was seen galloping about on a grey horse, conspicuous with a sword by his side, and four revolvers in his belt. Mounted orderlies approached him with a military salute and went to do his bidding. He was then reconnoitring a position held by Major Mair near the mouth of the Whakatane river, with a mixed force of 200 Europeans and Maoris. In a short time his army dwindled away, and he retreated to his mountain fastnesses, followed by Major Mair, who was strengthened by an accession of 200 Arawas. At Tauaroa, Te Kooti seemed brought to bay one night, but in the morning only his departing rear-guard was in sight.

Meanwhile, Colonel Whitmore and Rangihiwinui pursued Titokowaru on the west coast. In March, with about 600 men, an advance was made up the Patea river, and Titokowaru's camp was taken. Rangihiwinui commanded the right column, and dashed into the camp so promptly that baggage and movables were abandoned. Titokowaru escaped by swimming a river, Rangihiwinui's rapidity having prevented the fugi[illegible] crossing by the main ford. Colonel Whitmo[illegible] March) that though the enemy's actua[illegible] ignominious flight must ruin his reputat[illegible]

Great effort[illegible] his men to t[illegible] lowers, and e[illegible]

the west without McLean's concurrence. McLean disapproved of the expedition. Ropata declined to go, alleging that his absence from his district invited attack. The recruiting officer persuaded 19 men to go with him. The rest were guided by Ropata. Angrily declaring that McLean had set "a vicious example" by dissuading Ropata, Stafford removed McLean from his agency for the government. English residents in the district passed resolutions favourable to McLean and prayed that the General Assembly might be convened. Stafford became less petulant. It was plain that by insulting McLean he had done much to convert his scanty majority of 1868 into a minority in 1869. Friendly Maories also were offended. Karaitiana Takamoana declared that he had besought Ropata not to go away—that McLean was not the dissuader, and that "if he falls, the whole of the Maoris of this coast will fall with him." As without Rangihiwinui on the west, and Ropata on the east, the constabulary appeared to disadvantage in the field, and as the east coast Maoris were unwilling to serve under Whitmore without the chiefs in whom they trusted, it might be affirmed that from the date of their insulting McLean the doom of the Stafford ministry was certain. Failing to obtain the aid of Ropata, Colonel Whitmore devised other plans. "If (he wrote) the Ngatiporou are unavailable, and hounds to carry the trail considered to be improper agents for the purpose, I would suggest that some Australian blacks should be engaged to supply what only very great practice can give to Europeans, and what I have not got in this force—the faculty of tracking fugitives in the bush." Scorned in his own country, except when his unsurpassed hunting and tracking powers were required by Europeans in pursuit of game or of his brethren, in an hour of need the Australian became the hope of the leader of the forces of New Zealand.

At the head of 350 men, Rangihiwinui, having ascertained that the enemy were in full retreat to Whakamaru, pushed forward, discovered their camp, sent back for the armed constabulary, and placing them in concealment in front, made a circuit to enclose Titokowaru in rear. Colonel Whitmore arrived at the front. The harangues of Titokowaru and others were distinctly heard. All hearts

were exultant at the thought that in a short time Rangihiwinui would bar the retreat, when a mounted rebel, said to have been Katene (McDonell's quondam guide), rode almost into Colonel Whitmore's hands, scented danger, fired his revolver, and galloped back to his friends. Colonel Whitmore advanced, but Titokowaru was gone. Rangihiwinui,

"After his men had cooked, continued the pursuit, and at sunset fell in with their rear. They attemped to lay an ambuscade for Rangihiwinui's advance, but were attacked so quickly and with such determination, that they could not hold their ground; but they sprang off rapidly and dispersed so quickly, after delivering their fire, that only one could be killed. Rangihiwinui, however, pressed on, clambering up a precipice, forcing him to abandon an already prepared sleeping-place, and inflicting some loss in this and similar skirmishes during the following day."

Titokowaru was in full retreat towards Te Ngaere. To it Colonel Whitmore said, "no guide could be found to show the way, but Rangihiwinui, with his usual intelligence, made it out correctly." Across the treacherous marsh three large kaingas or villages were seen. No fires were lit in Whitmore's camp, screened as it was by tangled growth on the forest margin. The hapu of Ahitana, not hostile to the colonists, was known to be peaceably residing at Te Ngaere, but Whitmore was sure that Titokowaru was there also. At night a woman's voice was heard summoning the Maoris: "Come hither, ye brave, come hither to the food." By means of long hurdles the attacking forces were transported across the swamp at daylight on the 25th March. They saw some Maoris apparently escaping, and others approaching the new-comers with the welcome, "Haere mai." In this manner the son of Ahitana met Colonel Whitmore, who came to the conclusion that about 70 of Titokowaru's people escaped while the son of Ahitana stepped forward in friendly manner. Rangihiwinui having traversed the country and ascertained that Titokowaru had fled, the Wanganui men returned to their homes, and Colonel Whitmore marched to Taranaki. A few stragglers dead, or d[illegible] manu[illegible] seen by Rangihiwinui, but Titokowa[illegible] Upper Waitara, north of Taranaki [illegible] left to defend the settlements, an[illegible] tachment of the Wanga[illegible] ces on the

Waitotara river, settlements, cultivations, eel-weirs, and, in its commander's phrase, "any stock we could not eat." Scattered families fled in terror. At one pah a decrepit old woman was left to fly a small white flag, but she did not save the dwellings.

Amidst these events and the wild rumours to which they gave birth, Te Rangitake and his followers loyally kept the peace at Waitara, and refused to Titokowaru a passage through their territory. Mr. Parris reported that the chief had only to speak, and he would command the support of all Maoris unfriendly to the English. But Rangitake kept his pledge of peace. Under these circumstances Te Kooti was deemed more dangerous than the routed Titokowaru, and it was resolved to discontinue the campaign in the west, with reference to which the Minister of Defence, in April, added his tribute to the general praise of Rangihiwinui's "courage and resource as remarkable as his modesty and devotion."

When Major Mair abandoned his pursuit at Tauaroa, Te Kooti remained at Ahikereru, whence he could make raids either upon the Bay of Plenty, on Napier, or Wairoa, or could reach Rotorua, or the Waikato, as he might choose. The Civil Commissioner at Tauranga urged an immediate expedition to crush him, while in want of ammunition. On Saturday, the 10th April, he appeared, where least expected, to supply his wants. Treacherously capturing a pah (Huke), on the coast at Mohaka (about 40 miles from Napier), he murdered the inmates, 7 colonists and 57 Maoris, destroyed all habitations, and made off with casks of ammunition and a few rifles. There was a small pah (Hiruharama) at Mohaka, in which Ihaka Whanga and others defended themselves successfully for two days, and Te Kooti retreated before 400 of the Napier militia arrived to learn that he had escaped with his booty. Colonel Whitmore hastened to the scene, and with armed constabulary and allied Maoris carried war into the Uriwera territory. Colonel Herrick with one force, Colonel St. John with another, and Whitmore with a third, traversed the land, but failed to make Te Kooti fight a battle or sustain a siege. They captured pahs after desultory skirmishing from rifle-pits, and found them empty. On one occasion

they saw the enemy, of whose proximity they had been unconscious, march quietly into the camp quitted by the constabulary and the Arawa. Te Kooti himself, after his raid at Mohaka, returned through his mountain fastnesses only to hear at Waikaremoana that Ruatahuna had fallen into the hands of his enemies. He despatched some followers to dog the retiring forces, and took up a central position from which he might guide his adherents and march suddenly to the interior or to the coast. Want of ammunition distressed him; and the winter cold was severe on those who had scant store of food.

The season had its terrors for the allies. The Arawa declined to march beyond Ruatahuna. Great efforts were made to convince Ropata Wahawaha of what was called his "sulkiness," but it was found that his counsel could not be dispensed with, and that without him his countrymen distrusted the capacity of the Pakeha leaders to cope with the wily Te Kooti. How that hunted robber could retain an army seemed mysterious. Outnumbered always, he was not deserted. To a cunning which availed itself of every art of vantage, he joined the show of pious belief. A native gave an account of a meeting at which for five hours he addressed assembled chiefs, and persuaded several to flock to his standard. The ministry specially dreaded his escape into the territory of the Maori king, where his influence might stir fanaticism amongst Tawhiao's adherents.

From his post of espial Te Kooti watched the colonial forces, some of whom were stationed at Fort Galatea on the Rangitaike river. He waylaid troopers with despatches. Colonel St. John was about to go from Fort Galatea to Lake Taupo, to arrange for such an occupation of posts as might foil Te Kooti if he should endeavour to pass towards Waikato. Te Kooti stealthily followed an escort party. At Opepe his advance-guard saw smoke arising where they had thought there was no inhabitant. A body of troopers was there. Te Kooti sent scouts into various ravines to prevent escape, and ordered picked men to saunter up as if they were Arawas, friendly to the English—to go betwe troopers and their arms, and to massacre them. The succeeded. The men were deceived. Ten troope

reported as killed. A sergeant with two men escaped to Fort Galatea. Te Kooti failed to kill Colonel St. John, who, fortunately, had with four others ridden forward before Te Kooti arrived at Opepe. But all the ammunition with the escort party was seized. The marauder passed on and murdered twenty-one Maoris at a village before he took up his abode at Lake Taupo. There he persuaded Te Heu Heu to join him, and thence he went to Tokangamutu to confer with the Maori king. What the ministry feared had come to pass. When in June they heard that Te Kooti had slain the troopers at Opepe, they knew that there was nothing to bar his way to Waikato. To add to their troubles, some of the armed constabulary at Fort Galatea mutinied, demanding more food; and their Colonel was powerless. The ministry, which could complacently approve the slaughter of prisoners, lost temper at remonstrance. They were irritated beyond measure at the thought that men, wantonly driven to resistance, were able with a few fanatics to foil the colonial forces. In the North Island more than 2000 Europeans and 1000 Maoris were maintained in the field to crush two outlaws who defied the government. The armed constabulary received five shillings a day. The militia and the Maoris were paid alike, receiving four shillings a day, with an additional shilling when serving outside of their own districts. Scouts received eight shillings a day for carrying their lives in their hands.

While battling with the discord which he had, in 1860, done so much to create, Stafford was further provoked by Earl Granville. The Earl (26th Feb., 1869) observed in the newspapers that a reward of £1000 had been offered for Titokowaru—he inferred alive or dead—and £5 for every Maori rebel brought in alive. He pronounced no opinion, but thought such steps at variance with the usual laws of war. The Governor's despatches did not "convey a distinct idea" on this and on other questions; such as breach of faith with the exiles at the Chatham Islands, and arbitrary seizure of Maoris on the west coast, which was thought to have produced Titokowaru's outbreak. The Earl wished for explanations. It was difficult for the Governor to explain either his complicity or silence. He sent a memorandum from Stafford. As to Titokowaru,

"The report which has reached the Colonial Office is exactly true, and also the inference drawn by his Lordship that it was implied in the offer that the reward would be given for the body of Titokowaru, alive or dead. Ministers regret if this offer has not been reported in the copious minutes of events furnished to his Excellency by every mail. It is right now to add that a similar reward on the same terms has been offered for the body of Te Kooti."

The offers were exceptional, as were the atrocities which produced them, but were not without precedent in the history of India, or of "Fenian outrages in the heart of the United Kingdom." Mr. Stafford condescended to no further explanation. The colony must, he said, be content to bear the "censures of unreflecting critics." A more careful and a long defence was made by an Under-Secretary. It was admitted that, in the matter of supposed horse-stealing, the carrying away of hostages by Col. McDonell was improper, but not that it had direct bearing on the subsequent acts of Titokowaru. It was admitted that hostages were seized in an irregular manner; that three of them were released; that a fourth, Ihaka, was remanded for a week; that he escaped from durance, and was present at the murders which a few days afterwards, "according to Maori custom, commenced open war." At a later date Earl Granville returned to the subject, when his attention was drawn to a statement (in the "Hawke's Bay Herald") that Mr. J. C. Richmond, at Ngatapa, offered £50 for the head of Nikora, £500 for that of Te Kooti, and £1 per head for others, who were shot as soon as brought in. He could make every allowance for indignation at Te Kooti's atrocities, and would not deny the necessity of extraordinary measures, but "a general offer to savages of £1 for every head brought in" was calculated to intensify the worst characteristics of the Maori nature, and to breed a thirst for revenge.

Strange are the contradictions of the human mind! The same functionary who would make no effort to wipe off the stain cast upon England's scutcheon by the killing of a prisoner of war, now called upon [illegible] to do what he had set them the example of shunni[illegible] [illegible] that prisoners are shot as soon as th[illegible] [illegible] by any information as to wha[illegible] that the persons so put to dea[illegible] any of the more criminal acts o[illegible]

Mr. Richmond wrote to the Governor in the manner already quoted.[2] If suggestions of censure on the colonial government were to be founded on newspaper statements, it could retort by urging that an English paper had said that the Maoris would perish; but it was not England's business to save them from the "consequences of their own acts." This, Mr. Richmond said, was "no doubt cool philosophy," but he seemed to have no misgivings as to its seemliness. He asked the Governor to accept of "a private note;" and the note appeared in a Blue Book.[3]

Sir G. Bowen was more diplomatic than Mr. Richmond. He urged that the colonial government was endeavouring to mitigate the horrors. He wrote as if he expected to be believed. He claimed no credit for having warned the Secretary of State that horrors would not be averted by the removal of British troops. On a recent occasion the thirst for Maori "utu" was so strong that it was "with extreme difficulty that Maori allies were induced to refrain from indulging in their turn in a cannibal feast" upon the bodies of Hau Haus who had slain some of their relations. He did not explain why he had made no representations on the subject at an earlier date; but he told Lord Granville that Maori utu was "like the vendetta of Corsica."

[2] *Supra*, p. 561 *n.* 21. This statement is an instance of the apparent incongruities amongst which a historian has to search for facts.

In 1869, Mr. J. C. Richmond furnished the Governor of the colony with the statement in the text.

On the 1st Aug., 1888, he said in the New Zealand Parliament: "There was issued by the government a proclamation offering £1000 for Te Kooti and £5 per head for every rebel brought to justice. Whoever may have signed this proclamation, I never knew of it till it was made the subject of debate in the following session." In the same speech Mr. Richmond said that though gazetted as Commissioner of Customs his "chief business was as Native Minister." He was with the troops at Ngatapa in January, when he bought the head of Nikora, and there was nothing in the explanation he furnished to the Governor in June, 1869, to show that the proclamation was issued without Richmond's knowledge. He was a member of the government which he says issued the proclamation, his chief business was as Native Minister, and yet the government left him in ignorance of the proclamation.

It is satisfactory to learn from his letter to the Governor that he eventually discovered the precise day on which the proclamation was issued, namely, the day on which Nikora's head was "purchased."

[3] P.P. House of Commons, 1870 (C. 83), p. 39.

Earl Granville was charmed with the "cool philosophy" which Mr. Richmond echoed back to England. "The subject is one on which I am myself glad to be satisfied, and the present despatch will show that your ministry repudiated and held in check those feelings of ungoverned animosity which must necessarily prevail in certain portions of a community situated like that of New Zealand." He hinted, however, that there was a lurking repugnance in Englishmen to condone atrocities, and that when excesses, to some extent "excusable in proportion to outrages on the other side," occurred, the Imperial government could "not escape the duty of sifting, by way of reference to the Governor, the truth of the reports" which reached England. "Indeed" (he added), "it is often impossible to prevent the expression of public opinion against cruelties committed even in foreign countries with which England has no constitutional connection whatever.[4] Not crime under his cognizance, but consequences of exposure before a blunt English public, had terrors for the Earl. Had he been prescient of a few short years, he would have known that he and his party would be found striving to do what he almost complained of as impossible to prevent. Politicians out of office often find sweet morsels in that which they reject as poison when in power.

In a later despatch (7th July), Sir G. Bowen expatiated on the "strong comments" made in New Zealand upon Earl Granville's interference. The Attorney-General (Prendergast) supplied a paper to prove that the natives had no rights under the treaty of Waitangi; that they were included under the Queen's sovereignty; that the rebels had no belligerent rights; and that their conduct had "forfeited all title to the observance towards them of the usages of war, if they ever had such title."[5] Unwilling

[4] Blue Book, 1870, C. 83, p. 189.

[5] This opinion was forwarded by Sir G. Bowen to Lord Granville (House of Commons Paper, 1870, C. 83, p. 57). Lord Granville (*ib.*, p. 199), after commenting on misstatements in Sir G. Bowen's despatch, added, "My despatch nowhere hints that the Maoris are foreigners—a doctrine which I had never heard of before I perused the Attorney-General's opinion. . . . The offering of a reward for the person of a hostile leader "whether alive or dead" is so much at variance with the usual course of civil or military proceedings, that without pronouncing it to be wrong on account of that

to put forward ministerial arguments as his own, Sir G. Bowen introduced some of them as current in New Zealand. Why blame a ministry for measures less stringent than those in Canada, India, Ireland, Ceylon, Cephalonia? Earl Granville replied: "As to the supposed questioner (whose arguments you appear to adopt), I am not prepared to inquire whether the most severe acts of Lord Seaton, Sir H. Ward, and Lord Torrington, were those for which they were held entitled to public approval."

Before confronting the General Assembly on the 1st June, the Government, well aware that their discourtesy to Mr. McLean was a danger in their path, strove to make terms with the Maori king. Mr. Firth, who had followed various callings in Auckland, and had in the Assembly supported the Taranaki war and confiscation of Maori lands, had, after the close of the Waikato war, devoted his attention to the acquisition of a landed estate by peaceful negotiations, which the Land Court Act of 1865 might protect. He had recourse especially to Waharoa the king-maker, through whose patronage he acquired leasehold property convertible (and converted) into freehold. On Earl Granville's accession to office, Mr. Firth wrote a letter on the critical position of the colony, caused by what he called "the policy of abandonment," which was calculated "to deprive the Crown of a valuable colony, and might lead to the destruction of Her Majesty's colonial empire." He had used the influence which attached to a friend of the king-maker, and had besought the advisers of the Maori king to discountenance the atrocities of Titokowaru and Te

variance, I considered it the duty of the Governor, in giving Her Majesty's government an authentic account of the facts of the insurrection, to record this fact and its justification. . . . On the explanation now offered I observe as follows:—I do not clearly understand how you justify this notice as a matter of law. I understand you to disclaim the application of martial law; and, viewing Titokowaru merely as a notorious, but untried and unconvicted rebel and murderer, I am not aware of any Colonial enactment which would make it lawful for any chance person to shoot him down."

Mr. Prendergast was asked for an opinion on Lord Granville's despatch. It will be found in a N.Z. P.P. A. No. 23, 1870. It asserted that "the justification of the proceedings was based on the universal and supreme law of necessity and preservation of the State." It also feebly criticized Lord Granville's despatch.

Kooti, chiefs not of high birth. Divisions in the king's council had prevented Tawhiao from taking strong measures to coerce Te Kooti; but to "the singularly peaceful attitude maintained by the Maori king" was due the absence of a "general rising among the tribes." Yet bands of armed murderers traversed the country. The Queen's laws were the scorn of rebels, and were deemed a mockery by the loyal. The laws of the Maori king were becoming weaker. Anarchy was near. At Poverty Bay three Hau Haus were captured by loyal Maoris. A settler, whose son had been murdered, called on Major Westrup to avenge his son. Major Westrup declined. The settler, with a friend, went to the Maori allies and demanded the death of the captives. A firing-party levelled their arms, and one of the Hau Haus fell dead. The others escaped in the darkness. To such a condition was the Imperial policy reducing the colony. Nay, on the judicial bench at Nelson had just occurred a scene of like significance. Mr. Justice Richmond, the former colleague of Mr. Stafford, had declared, "it had now become impossible to carry out the ordinary law in the ordinary way in the North Island. . . . If we were to be burdened with the responsibilities of independence we should also be permitted to enjoy its powers." Mr. Firth thought that when a judge could utter such words "judicially, a very vital and radical change must shortly take place in the relations between England and her colony of New Zealand." Yet the colonists contemplated a rupture with the mother country only "as a bitter and cruel necessity" imposed by the Imperial policy of abandonment. If Her Majesty's new advisers should adhere to it as irrevocable, "then ancient Rome would not have been the only empire to teach the world that the decay of national spirit is but the precursor of the decay of national power." Sir G. Bowen, in sending Mr. Firth's letter, said: "I am informed that Mr. Firth's opinions are also expressed by a large portion of the press and the [illegible] in the North Island." It is [illegible] that Mr. Firth's fears did not [illegible] A leading journal in Sydney said: [illegible] Regt. is peremptorily [illegible] jects the Liberal

ministry have hardly been so successful as their predecessors. . . . The Maori king does not, for the moment, take part in the war. Everything will depend on his views and conduct. If he should rise, all will rise." . . . These and other expressions of opinion Sir G. Bowen forwarded to Earl Granville, who merely acknowledged their receipt.

The arrival (April, 1869) of the Duke of Edinburgh produced no change. The Maori king was not prevailed upon to meet him. Mr. Stafford postponed the meeting of the General Assembly, partly because it would have interfered with the reception of the Prince, and partly because, in the absence of the Treasurer (Mr. Fitzherbert) in England, he was unable properly to deal with financial measures. Wherever the Duke arrived he was received with the profuse loyalty which characterized his tour in Australia. Maori chiefs presented to him green-stone heirlooms prized for centuries. Tamihana te Rauparaha, the son of the chief who laid waste the country around Cook's Straits, presented one which had been renowned in song and tradition. He was childless, and said: "As my house is gone like the moa, I bequeath the talisman of my fathers to the son of the Queen of England and of New Zealand."

A meeting, called by the Maori king at Hangatiki, on which the minds of all in the North Island were intent, took place in the end of April. Three thousand five hundred persons attended, of whom 1700 were men in arms. To the relief of the government the speeches, though couched in ambiguous terms, were deemed peaceful, and complicity with the atrocities of Titokowaru and Te Kooti was disclaimed. Tamati Ngapora permitted Mr. Searancke, a magistrate in the Waikato and Raglan districts, to be present at the meeting. Only one other European, Mr. Louis Hettit (a Frenchman married to a chief's daughter) was present; and Hettit had always been permitted to live on the confines of the king's territory. His wife was a relative of Rewi. Natives loyal to the Queen had been invited, and many were there. The first greetings between them and their hosts, Mr. Searancke was not permitted to see; but a war-dance, in which 160 guests and 400 of the

king's men (with double-barrelled guns) took part, he saw. Speeches followed the dance. One thing seemed remarkable. The king's people had changed their names. All baptismal names had been cast away and old Maori names took their places; just as before the Greeks threw off the Turkish yoke they christened their children by names enshrined in ancient story. Ngapora's name, Manuhiri, described the condition in which his exile placed him. It signified that he was a "guest." Rewi had become Manga. Nevertheless, his speech was peaceable and straightforward. He declared that he had formerly encouraged war, but had now put it away from him. The Aukati, or pale, was strictly enforced against all who were not invited to the meeting, Europeans who strove to accompany invited Maoris were stayed at the boundary. Te Wheoro, the constant ally of the English, was listened to with profound attention. When he said—"I will return to my place and my treasures (ancestral home), and never will I leave Waikato—the land of my forefathers and my treasures—no, never, never, never,"—the hearts of his hearers throbbed at the thought that they were exiled, their lands were confiscated, the tombs of their fathers profaned by the stranger. For several minutes after Te Wheoro's speech there was silence as among the dead. Not only his words but his character gave him weight. The king-maker had always averred that Te Wheoro was the noblest of the Waikatos on the side of the Queen. The frank manliness of his appearance would have made friends in any part of the world. Though duskier than many of his countrymen his features were of a cast common in Europe. So much importance was now attached by Mr. Stafford to a friendly arrangement with the Maori king that the Queen's son was induced to delay his departure from New Zealand in the hope that he might meet Tawhiao at Ngaruawahia. Mr. Firth negotiated with Tawhiao, with the cognizance, but not as envoy of the government. The Assembly was to meet on the 1st June and Mr. Firth started on his mission on the 27th May. It was thought that favourable terms concluded with the Maori king would foil the onslaught of Fox. Mr. C. O. Davis and Mr. Preece accompanied Mr. Firth. The

meeting took place at Orahiri on the 1st June. A prayer was offered by Te Aroha. A hymn was sung. A special reporter of the *Southern Cross* newspaper was astonished by the beautiful thoughts of the prayer and the deep reverential tones of the voices joining in unison with the chant:—"Matua, pai marire, rire rire; Tamaiti, pai marire, rire rire;" "Wairua, pai marire, rire rire!"—"Father, good and gracious, grace, grace; Son, good and gracious, grace, grace; Spirit, good and gracious, grace, grace." Long conferences ensued. Whitiora te Kumete, who in battle at Rangiriri won admiration from friends and foes, now obtained the same tribute for his oratory. In Ngapora, or Manuhiri, the reporter found grace, ease, and dignity. Long colloquy took place between the chief and the interpreter Davis. When the former said: "While we talk of peace there is fighting," Davis replied: "Why don't you stop the fighting?" Ngapora answered: "Why don't you stop it?" "Has all 'mana' (power, authority) been taken away from you?" asked the interpreter. "Has all 'mana' been taken away from you that you do not put a stop to this fighting?" retorted the chief. The first day's conference was resultless. Sorrow, mingled with proud resolution, prevaded the speech of the chiefs on the second day. Paengahuru said—

"The land is like a stricken bird whose wings are quivering on account of the pain. . . . . To what (said Te Aroha) do you allude when you wish us to speak out? Is it in relation to the streams of thought that day by day and from season to season we each derive separately from the Almighty? You have one stream and I have another, and we each ought to work out the thoughts that present themselves to our minds. . . . The times have not yet come for terms of peace. The times are in God's hands. If this be the abomination of desolation spoken of by Daniel the prophet which is to come to pass in the last days, what can be done to prevent it?"

. . . "Turn round and work among your own people. I will work on this side, and as the days go on, the Almighty will be a Judge between us." Questioned as to terms, Te Aroha said that restoration of the Waikato, as far as the post erected before the war at Maungatawhiri, was demanded. "Our word has gone forth that the striking of man by man should cease. Turn you round to your Pakehas and tell them to do their part." Mr. Firth did not represent the

government, but believed that the "king would be assented to in a certain district." Ngapora replied: "It is a matter of indifference to us whether you consent or not. We shall have him." Mr. Firth had spoken of murders. "What you call murders are not murders according to our custom, because, when war begins, the rule is to kill wherever you see." Whitiora said:—

"If I were to kill you now that you are here on a friendly visit, that would be a murder. If I inveigle you under friendly guise, and then kill you, that is foul murder. And here are your foul murders. General Cameron told us to send our women and children to Rangiaohia where they should remain unmolested; but he went away from Paterangi, with his soldiers, after them, and the women and children were killed and some of them burnt in the houses. You did not go to fight the men; you left them and went away to fight with the women and little children. These things you conceal because they are faults on your side, but anything on our side you set down against us, and open your mouths wide to proclaim it. That deed of yours was a foul murder, and yet there is nobody to proclaim it."

Mr. Firth asked for a letter stating the wishes of the chiefs. Ngapora replied: "You are our letter. We Maoris consider it sufficient to speak face to face." There was more discussion, in the course of which Mr. Firth blamed Rewi for sending men to fight at Taranaki. "Hold there," interrupted Ngapora; "did not the Europeans go from Auckland?" Mr. Firth replied evasively. "Answer my question direct. Did not the Europeans go from Auckland to Waitara?" retorted the chief. He was told that soldiers did. "How about your Governor—did not he go?" Mr. Preece said a Governor was not a colonist. Governors were movable, like soldiers. The colonists had not gone to Waitara. "*Te Aroha*: By whose authority did the soldiers go to Taranaki? *Preece*: By that of the Governor, the servant of the Queen, not by the Pakehas of the soil. *Ngapora*: Cease this; you are holding a court. It would take days to come to a conclusion. *Preece*: It would take months. *A Chief*: Years."

Te Wheoro strove [illegible] of the [illegible]nment, to bring about at Ngaruawah[illegible] [illegible]hiao and the Duke of Edinburgh [illegible] natives were gathered there. T[illegible] to find that Tawhi[illegible] would not [illegible]
The [illegible]

threw blame on the officiousness of Mr. Firth. Towards Te Wheoro there was sympathy even among the king's friends. It was allowed that he had not been justly dealt with, and the final reconciliation of the king was attributed by some to the working of this feeling on the minds of the king's counsellors. Whatever expectations Stafford had founded on the "mana" of the Queen's son were disappointed.

The General Assembly met on the 1st June. The Prince departed. The field was open for attack upon the government. Mr. Creighton vainly demanded returns concerning the rewards offered for capture, dead or alive, of Titokowaru, Te Kooti, and others. A proposition for a loan was accepted, and the Governor's hope that in asking for an Imperial guarantee "the last prayer" of the colony to the mother-country might not be rejected was echoed by the representatives, while the Council qualified the application by calling it an "appeal." A motion for Supply was postponed for a week, and, before the week had elapsed, Fox had moved and McLean had seconded, a brief motion: "That this House has no confidence in the present government." Mr. Stafford fought hard for the post he had wrested from Mr. Weld. Adjournment succeeded adjournment. On the 23rd June, Mr. Carleton vainly strove to ward off the blow by moving that "proposals for meeting existing difficulties ought to have preceded any question of personal confidence." On the 24th June, by 40 votes against 29, Fox's motion was carried. Mete Kingi Paetahi and Tareha voted with Mr. McLean for the expulsion of the man who had brought so much misery on their country. Fox became Colonial Secretary; Vogel combined the office of Treasurer with sundry others; Donald McLean became Native Minister and Minister for Colonial Defence; Mr. Dillon Bell and Dr. Featherston, a colleague of Mr. Fox in 1861, cast in their fortunes (with Mr. Fox, as they doubtless supposed, but) with Mr. Vogel in fact. Great hopes were founded on McLean's accession to power. He addressed the chiefs as he would address the heads of Highland clans whom, he said, they resembled. He relied on personal influe rather than on law. This, which was a trouble to colleagues, commended him to the Maoris. It also foste

his own vanity, prone to disparage arrangements not made by himself. Nevertheless, such was his reputation, that from the time of his joining the ministry in 1869 until his death at the end of 1876 he was in office as Native Minister with the exception of one brief month in 1872. Ministries were formed and transformed, but amongst them ever was Donald McLean. He had funds at his disposal; and, squatted on the ground in a Maori whare, smoking the pipe of peace with his host and conversing in his language, he dispensed sums at which the lords of the clan of his ancestors would have gazed in astonishment, and of which he did not keep the accurate records usually required by the Treasury.

Sir G. Bowen forwarded a memorandum, in which Mr. Fox (22nd July) reasoned in a tone very different from that of his book on the war published in 1866. The arrival of Te Kooti at the Maori king's headquarters vibrated terribly in his breast. "It may truly be said that a general rising of the natives, and a special attack on the settled districts of Auckland, is trembling in the balance." The ministry thought the removal of the troops would precipitate a conflict. They were grateful to Sir G. Bowen for his previous efforts, but asked for more. They could not believe that orders, given months previously at the other side of the globe, would be carried into effect when sacrifice of human life was imminent. They could not but believe that General Chute had some discretion in the matter. The Governor was entreated to forward to the General a copy of the piteous memorandum. Sir G. Bowen decided "that it would be improper on his part to obstruct the action of Parliamentary government by declining to forward" the appeal of the Assembly. General Chute could not but pity, and pitying, could not but use what power he had to allay Mr. Fox's alarm. He informed the Governor that he had "taken the responsibility of detaining the 18th Regt. in New Zealand pending further instructions from the Imperial government." Both Houses (11th Aug.) [illegible]imously passed votes of thanks to the General "for [illegible]t promptitude with which he had acted in a [illegible]ergency." [illegible] deserved them. The Maori king [illegible] thanks [illegible] he did not receive.

After much debate and repeated adjournments the following resolutions were submitted to the House:—

"1. That in the very threatening aspect of native affairs, the maintenance of a highly-disciplined and well-organized force has become a matter of imperative necessity. 2. That the presence in the North Island of a small body of Imperial troops would greatly assist the colony in its efforts to form and discipline such a force, and would tend to check the spread of disaffection amongst the native race. 3. That, in conformity with the above, this House is of opinion that Commissioners should be sent to England to treat with the Imperial government for securing the services for the colony of an Imperial force not exceeding 1000 men, for a period not exceeding five years; and this House engages to make provision, in respect of the cost of such force, upon such terms as may be agreed to by the Commissioners on behalf of the colony. 4. That the Commissioners be instructed to lay before the Imperial government the grounds upon which the colony feels justified in asking for assistance, and to ascertain to what extent aid, either in men or otherwise, will be afforded. 5. That the Commissioners be also instructed to confer with the Imperial government and military authorities as to the description of force, whether Ghoorka regiments or other body of disciplined men, in addition to the 1000 Imperial troops already authorized, it will be most advantageous for the colony to employ for its defence, it being clearly understood that such force will be subject to the control of the colonial government: and that the Commissioners be empowered to conclude arrangements for the organization and employment of such force for a period not exceeding three years, provided that the whole cost of it to the colony does not exceed the sum of £70,000 per annum."[6]

To such prostration had the "self-reliant doctrine" been reduced, that all the resolutions except the last were accepted without a division. Mr. Stafford moved the rejection of the fifth, and the majority against him was only 32 against 29. Mete Kingi and Tareha, who had supported the other propositions, did not vote upon the fifth. The Council, when asked to concur with the resolutions, struck out the words, "whether Ghoorka regiments or other body of disciplined men." One Act was passed "to make provision by law for the payment of Imperial troops;" another authorized the appointment of commissioners to England to enter into the necessary arrangements, and Dr. Featherston and Mr. Dillon Bell were at once appointed.

[6] Sir G. Bowen despatched a pleading telegram to the Secretary of State on the 7th August:—"Ministers request me to state that resolutions have been passed almost unanimously by both Houses . . . praying for detention of 18th Regt. as a garrison and moral support. An Act has been passed and transmitted, binding the colony to pay whatever contribution the Imperial government may demand."

While the Parliament was thus engaged, Tawhiao was refusing to admit Te Kooti to his presence. The marauder affected to assume authority. At Lake Taupo, chiefs surrendered to him their greenstone heirlooms. He failed to induce Tawhiao's adherents to humour him in like manner. It was said that Te Paea, Tawhiao's sister, threatened that if the king's friends should countenance Te Kooti she would shake the dust off her feet, and seek a husband among the Pakehas. The outlaw persuaded Rewi to accompany him in excursions, but Ngapora would not listen to him. In August he was so unwelcome that his supplies were stopped. Tawhiao would not permit him to go to the west coast. The roads thitherwards were guarded against him, and he was compelled to turn back. Before he left the district he went to the house of Mr. Hettit at Otorohanga, where his followers took what they chose. He did not insult the "mana" of the king by violence to Mr. Hettit's person. He took occasion to say that when he returned from the Chatham Islands he intended to interfere with no one, and that Major Biggs was the cause of what he called "the war."

The discouragement sustained by Te Kooti was not widely known. Tawhiao's court was secluded. The pale (aukati) made it difficult to procure trustworthy information. Rumour was busy. Evil report flitted over events like the will o' the wisp over a marsh. A motion by Mr. Tancred on internal defence proposed that settlers should be withdrawn from isolated situations, and allowed to select homesteads nearer to protecting force, a movable corps being held available at every moment. Though withdrawn (27th July) after repeated discussion, the motion showed the condition of the public mind. It was moved (22nd July) that a Commission, consisting of two Judges of the Native Lands Court, and two other persons not members of the House of Representatives, should be appointed to inquire into the unsatisfactory relations b[illegible] th[illegible] and Maori races.

[illegible] constitutional questions occupied th[illegible] strove, "in pursuance of [illegible] ious session, to lay dow[illegible] taxation except to

meet the general charges of the government, and that provincial government should cease to exist. In committee, a member who had assisted to place Fox in office carried an amendment that it was inopportune to decide constitutional questions at such a time; that a new Parliament must meet them; and that the necessities of the colony permitted no reduction of taxation. Sir G. Grey had commenced the old Roman policy of making roads as the surest method of subduing a country.[7] The Maoris understood its significance. The ministry accepted it as essential, and proposed a loan to the North Island, guarding against its incidence upon the general revenue by a proviso that the liability of the North Island should be irreversible except by a vote of three-fourths of the House of Representatives. Mr. Vogel thought this precaution necessary "against the reversal, by a North Island majority, of the condition of the loan." The proposition bore no fruit in 1869. Vogel extolled the provincial system. "Can we doubt," he said, "that the colony owes to the provinces that they have saved for useful purposes some portion of the enormous revenues raised within them?—how powerful for colonizing purposes the provincial organizations have proved! . . . It is well to think over this history before deciding to do anything to destroy institutions, the past usefulness of which it is impossible to question. . . . We will not submit to the House proposals which would organically change the relations between the colony and the provinces." Voluminous financial tables accompanied the Treasurer's speech. Mr. Fitzherbert had succeeded in converting under the Consolidated Loan Act of 1867 about £2,750,000 of colonial and provincial bonds, and Vogel stepped into the vantage-ground thus obtained. He declared, however, that as to reciprocal waiving of claims by the Home and Colonial governments he was still dissatisfied. "Circumstances give us a wide pecuniary claim on the Imperial govern-

[7] Earl Grey in his "Colonial Policy" (London, 1853) wrote: "There were no measures of improvement which, both on civil and military grounds, the Governor considered so important as the construction of roads. It is a remarkable circumstance that at the very time when Sir G. Grey was writing from New Zealand to represent the absolute necessity of roads, with a view to military security, the great Duke of Wellington was in this country expressing precisely the same opinion."

ment." As to the war, he took the view of him "who carried the bag." Righteousness was not in his estimates. "It is the purse which fights upon the Maori side, and well he knows it. What is the result of the last eight years' prolonged rebellion? A certain loss of life on both sides; some loss of land on one side; an enormous loss of money and property on the other. The land remains to be disposed of, . . . but the money is gone. . . . You cannot get money from the Maori, for he has none; you cannot commit him to an enormous debt, for there is no one from whom he could borrow were he even disposed to do so. Every fresh £100,000 he adds to our debt is a fresh triumph gained by him which it is impossible to win back." The same truth was forced upon Mr. Vogel and the Maori. The former groaned: "Thou stick'st a dagger in me; I shall never see my money again." The latter had long before sighed in a petition to England: "The blood of the Pakeha is shed in his money, but as to the blood of the Maori it is shed on his own land." Vogel was responsible for no former war, but he could not speak truly of a prolonged rebellion. Sir G. Grey left and Sir G. Bowen found New Zealand in peace. The deeds of Titokowaru and Te Kooti were not approved by Maoris generally, and were the result of acts of the government. If Vogel's speech was reported to Te Kooti, he must have smiled grimly at the way in which the iron was entering into the soul of the Pakeha Treasurer.

Among returns compiled for the financial statement was a summary showing that in eleven years revenues of £6,877,000 had been collected, of which nearly £3,400,000 had been disbursed for colonial purposes, about £1,400,000 for services within and for the provinces, and nearly £2,200,000 had been handed to the provinces for appropriation. Such had been the provincial leanings in governments that more than £100,000 in excess of their dues swelled the last item.

The labours of the session found expressi[illegible] A New Zealand Cross Endowment Act enabl[illegible] to grant incomes from certain res[illegible] the New Zealand Cross. The S[illegible] the recommendation of Colonel W[illegible]

obtained the assent of the Governor-in-Council to an order instituting the "decorative distinction of a silver cross." It had been conferred on four Europeans and one Maori when Sir G. Bowen applied for sanction of his Order-in-Council. Earl Granville answered in October, 1869, that "under the very exceptional circumstances of the colony" he had recommended, and her Majesty had been pleased to sanction the Order, from its original date, by her direct authority. To avoid creating a precedent, the despatch emphatically pronounced that to no Governor was delegated the authority inherent in the Queen as the fountain of honour.

A languid consciousness of the valour of Rangihiwinui pervaded Earl Granville's mind. He informed the Lords of the Treasury that "strong representations had been made by the present and late Governors of New Zealand of the services rendered by a friendly chief of high rank known as Te Kepa or Major Kemp." A pension and a sword, or a sword and badge, the gift of Her Majesty, had been suggested. The pension was a matter for the colonial government to consider, but the noble lord approved of the sword and the badge. The Treasury concurred. The Earl announced (14th July) that a sword would be sent, and would "probably be followed by a silver badge." The secret was not to be mentioned to Rangihiwinui "until the sword arrives." Other chiefs would be similarly honoured, Sir G. Bowen recommended Ropata Wahawaha, the hero of Ngatapa, and four others. The task which the Earl had now undertaken suited so well his noble mind that he ruminated much upon it. He revised his first impressions and after several months wrote as follows: "In my despatch of the 14th July I informed you that the swords would be followed by badges. On consideration, however, it has been determined that the gift of a sword will be a sufficient mark of Her Majesty's favour." Rangihiwinui's sword, sent in September, was kept back till other swords arrived. On the 20th June, 1870, he, Ropata, and Mokena Kahere, received their swords in presence of ministers, members of Parliament, and other notables. The Governor descanted on the exploits of the chiefs, Rangihiwinui having recently marched across the island from Wanganui

to Opotiki. The inscription was—"Given by the Queen Victoria to———for his unfailing loyalty and valour. May you long wear it in health and honour." Rangihiwinui's speech was thus translated:

"Victoria, by the grace of God, long may you live. May your children, Prince Albert, the Duke of Edinburgh, and the princesses live long. I thank Victoria, Queen of the world, for casting her eyes hitherwards upon me, upon this dark-complexioned, this foolish, unhouselled race. I thank the Queen heartily for sending me this proof of her love across the billows of the great sea. Here it lies;—the sickle with which evil is to be cut down. Your ancestors, the kings, and yourself have been protected by God. You stand on the most sacred place of your ancestors—the kings of great fame of old. And now you have caused the sun to shine over this obscure island. It is very good that the elder and younger brother should live together as they did in the ark. After that, the elder and the younger brother were divided. Now, in this year, for the first time they are again united. I and my tribes are under the authority of the Queen. This was Hori Kingi's last word, to me, to Mete Kingi, and to all his tribe: 'When I am gone, remain quiet under the authority of the Queen: be loyal to her.' And to me especially he said: 'Be strong in putting down evil that peace may be secure.' Well! now that your pledge of affection lies before me, I trust that peace will always be with you, O Queen Victoria, and with your children. May peace be with the government of New Zealand. Let love be in your hearts. Do not keep all the good word to yourselves—let us share it." Mokena Kohere said: "The first proof of the Queen's affection for us was in sending missionaries; the second was the law; and the third is this. I thank you, Queen Victoria,—I greet you." Ropata Wahawaha said: "I have nothing to add to the words of Rangihiwinui and Kohere. I thank you heartily, O Queen Victoria; and you, O Governor Bowen."

Recorded on the genealogical tree, twenty generations testified to the rank of Rangihiwinui's ancestors. All who had seen him in the field admired his strategy and courage. Sir G. Bowen extolled him. To him, he declared, was due more than to any man or men the obtaining of peace for New Zealand. When Rangihiwinui received the sword from the Queen, he, with Ropata Wahawaha, Mokena Kohere, and eleven other chiefs, was entertained at the Governor's house. The last of the English troops had then been removed from New Zealand and men's minds were dark with apprehension of what might happen if the Maoris should combine against the Pakeha. There were intriguers ready to transfer their a[illegible] d States of America. Rangihiwinui [illegible] mpany: "I and the other chiefs wo[illegible] as to take advantage of the weakne[illegible] removal of the [illegible]

Kahore, Kahore (No, no, no)." He waved his hand as he spoke, and appealed to his brother chiefs, who responded, in deep-toned chorus, "Kahore," to the powerful voice of the speaker.

Reverting to the session of 1869, it must be mentioned that not only in the press, but in Parliament, there were whispers about backsliding from the Queen and seeking suzerainty in the United States. Sir G. Bowen wrote to the late Chief Justice, Sir W. Martin: "If what has been called the last prayer of New Zealand is rejected (the prayer for retention of troops at the cost of the colony), I fear the colonists will transfer their allegiance to the United States."

In the Acts of the Assembly in 1869, there was little which demands notice. The Military Contribution Act was brief. In the event of detention of the 18th Reg., it appropriated such sum as any of Her Majesty's Secretaries of State might certify to be required towards the support of the regiment. It was rapidly passed through both Houses while the attitude of the Maori king was an object of anxiety. A few days afterwards a Disturbed Districts Bill was passed by the representatives. It was worthy of introduction by Fox. It provided for summary trial by courts-martial, and superseded ordinary tribunals. In the Council, on the motion of Mr. Mantell, it was referred to a committee, which took evidence from Judge Johnston, of the Supreme Court. In the midst of general panic the dispenser of justice was unshaken. He thought it unwise to abandon the time-honoured principles of trial by established courts. He suggested alterations. He quoted, against the introduction of "the so-called drum-head court-martial," the weighty words of Chief Justice Cockburn (in Regina *v.* Nelson and Brand)—

"It is said that as the necessity of repressing rebellion is what justifies the exercise of martial law, and as to this end the example of immediate punishment is essential, the exhibition of martial law in its most summary and terrible form is indispensable. If by this it is meant that examples are to be made without taking the necessary means to discriminate between guilt and innocence; and that, in order to inspire terror, men are to be sacrificed whose guilt remains uncertain, I can only say I hope that no court of justice will ever entertain so fearful and odious a doctrine. There are considerations more important even than the shortening the temporary duration of an insurrection. Among them are the eternal and immutable

principles of justice; principles which can never be violated without lasting detriment to the true interests and well-being of a civilized community."

The Council amended the bill. The Lower House agreed to the amendments, and the Governor gave the royal assent. The Act was to be in force to the end of the next ensuing session of the Assembly and no longer. Earl Granville did not recommend its disallowance, but pointed out clauses which were too stringent,—"in case it should be proposed to re-enact the law."

In a luminous charge to the grand jury at Wellington, Judge Johnston (1st Sept., 1869) explained the purport of the law, the crimes it was intended to restrain, and the duties of the grand jury. The wild demands of the market-place, echoed in the printing-shop, and reverberated by the Representative House, were abashed by the voice of justice. To the grand jury the judge expounded the general law of high treason, the New Zealand treason felony law of 1868, the recent enactment, and the duty of the jury to be reasonably satisfied that the persons brought before them aimed by force to coerce the government, to change the law, or to subvert the sovereignty of the Queen, before they could find indictments for treason felony. As it stood, the Disturbed Districts Act might content the most exacting enemy of the Maori. Any officer of the forces might arrest on suspicion, and a person arrested might, on failing to satisfy a resident magistrate, or any two justices of the peace that he had been of good behaviour for twelve months, be imprisoned with or without hard labour for eighteen months. How difficult it might be for a Maori to prove his past good behaviour to those who arrested him on suspicion can be imagined. Yet this was the law after the Council had pruned the bill. Amongst the Acts of the session was one which made it capital felony to sell arms to, or for the use of rebels.[8]

A question of privilege arose early in the session. On an amendment about war expenditure, lost (15th July) by 31 votes against 37, Major Brown, of the Taranaki militia, voted in the minority against Mr. Fox. Fox resented

[8] 32 & 33 Vict., No. 57, section 33. ". . . shall be guilty of a capital felony, and being convicted thereof shall suffer death as a felon."

Brown's conduct. A Select Committee inquired whether Fox's letter was a breach of privilege, and in the House a bare majority (29 to 27) resolved that it was not. Major Brown was in the minority, as was Mr. Stafford, whose conduct towards Mr. Crawford was like that which he condemned in Fox.

The condition of the Thames goldfield was seriously considered. In 1852 the government first made agreements under which gold was searched for on Maori land, and in subsequent years McLean and others made bargains which averted trouble. Proclamations defined the area within which mining might be carried on. Fox and Vogel introduced a Bill "to remove doubts as to the validity of certain proclamations relating to a certain district known as the Thames goldfields, and for other purposes." It was pointed out that the bill would injure the Maori owners, and authorize regulations contrary to "agreements" entered into with the chiefs. The bill was read a second time on the 13th July; committed, and recommitted on the 14th, and (on Vogel's assurance that it was of an urgent nature) was passed through all its stages on the same day. But the Council declined to pass it with equal rapidity. Seventeen chiefs petitioned that their interests might be protected in accordance with agreements entered into with the Governor. Counsel for and against the bill were heard. Amendments were made. It became a bill to remove doubts as to the validity of certain proclamations *and agreements*,[9] &c., and the House accepted the amendments. It was a time when the Colonial government could ill afford to furnish fresh cause of quarrel. One of the points of the Maori king's message to the northern chiefs by Rapihana, communicated by that chief to Sir G. Bowen, related to "digging for gold." Among five new members called to the Council in the beginning of the sess[illegible] was Mr. F. D. Fenton. He introduced a Bill to amend [illegible]tive Lands Act, and the Council passed it wit[illegible]ndment. Referred to a select committee in the L[illegible] it was closely examined. Mr. Fenton was heard a[illegible] and descanted on the nature of his office. "A[illegible] of the court I have not only to decide princ[illegible] on

[9] The agreements we[illegible]de in the Governo[illegible]

equitable grounds; if you can understand the expression, I am greatly concerned with the political state of the country, and I cannot separate the two functions. Although deciding legal questions, I am in many cases deciding peace and war. The first thing necessary is to keep faith with the natives, and to do justice towards them; and also to prevent them from breaking faith." After conference between the Houses, the bill became law. Mr. Fenton was not so fortunate with regard to a Native Reserves Bill adopted by the Council, but lost in the Lower House. The episode of these bills is useful in bringing before the eye of the student the condition of the country at the time. Terror in the street and farm; a savage fury in the press, only exceeded by the atrocities of the Hau Haus; piteous cries from ministers to the General, and to England; diplomatic suggestions from the Governor about the forces of the Maori king—all these things tell their tale significantly. But the spirit of the judicial bench, as witnessed by Judge Johnston and Mr. Fenton, proved that there was still in the community a sea-mark high above the turbid foam, a beacon to the eyes of all who clung to the eternal principles of justice.

The daily needs of a colony found expression in those numerous Acts which come and go like colours on leaves in autumn, and which need not here be dwelt upon. The spectacle of a noble but savage family battling for its native soil gives absorbing interest to the fifty years which followed the preaching of the Gospel by Marsden on the shore of the Bay of Islands. To rescue the deeds of the Maori from oblivion, and present them in their true light, is the duty of the historian. War, which has been called the staple of the story of most countries, was specially so in New Zealand. Nevertheless, the political condition of the colony must be scanned. The Council was still careful about its standing. On the motion of Mr. Menzies, who [illegible] member since the year 1858, a committee was [illegible] 'nquire into certain privileges" of the [illegible] 'ittee examined: 1st. The powers held [illegible] Council. 2nd. The powers held by [illegible] Houses of Lords and Commons. [illegible] British colonies, and in the

United States of America. They recommended that a similar committee should be appointed in the following session. Their quotations from Story's "Commentaries on the United States Constitution" implied that the committee were not friendly to the extreme claims put forward by some writers.[10] They remarked that the assumption of power to tack measures to a money bill was "an unconstitutional encroachment," and that, to stay it, the Lords, to give permanent effect to their own rights, made it a Standing Order to reject upon sight all bills that are tacked to money bills, and thus guarded against the abuse of power by the Commons. It may seem strange that up to this date no step had been taken to give the Maoris that voice in the Council which the Maori Representation Act had given in the House of Representatives.

Before the prorogation of the Assembly, a protest made in London against a despatch from Earl Granville (21st March, 1869) was published in the colony. Forgetful that he, as a minister in 1859 and 1860, was partly responsible with the Duke of Newcastle for the Waitara war, the Earl threw the whole brunt of responsibility upon colonists. To gratify their desires, to satisfy the assembly and his advisers, Governor Browne had taken a step "blamed by some as inconsistent with those duties to the natives which were in some sense Imperial," although the Queen was bound by treaty to respect the territorial rights of the natives. The result was war in the interests of the colonists (but principally carried on at Imperial cost), and confiscation of lands which could not otherwise be obtained unless by friendly arrangement. The Earl denied that the Imperial government had transferred any "obligation to the colony whatever, except that imposed on all of us by natural justice, not to appropriate the property of others," and asserted that the mother-country had paid a high price for the territories recently and unwisely appropriated. The publication of the despatch in England induced Sir G. Grey

[10] If any black-letter student should collect cases to prove that House of Lords has exercised larger powers than is generally suppo could produce a work showing an amusing contrast with those wh been compiled to exhibit the powers of the House of Common judicial Hallam amongst Whig writers found few followers.

(the late Governor), Sir C. Clifford and others to protest in the manner described at the close of the preceding chapter. At the close of the session Sir G. Bowen informed Earl Granville of comments made in the colony. He sent "one of the most moderate"—a leading article, which called the Earl's despatch "studied misrepresentations" . . . a fitting climax "to a long course of mal-administration," and only intelligible if the policy of the Imperial government was to reduce the empire and drive away the colonies. The tone was declared to be even more offensive than the matter, and suggested the idea that the writer was not unwilling to irritate the colonists. If revolutionary rancour should be excited against England, "the historian would have no difficulty in tracing its rise and progress." More measured comments appeared in Australian newspapers; but if those which were sent to the Earl from New Zealand were "the most moderate," he might flatter himself on success, if he desired to irritate. Sir G. Bowen deplored the protest and its consequences, but confessed that it reflected the general feeling which would probably be universal, if "the last prayer of the colony" for garrisons of the line should be refused, after legislative guarantee had been given for their cost. With "pain and sorrow" he added that a portion of the New Zealand press had already advocated annexation of the islands to the United States of America, in the hope that the coercion of the Indians of the west of the Mississippi would be imitated by the Washington cabinet in New Zealand. Earl Granville replied that the views of the government were arrived at after the most serious consideration, "under a grave sense of responsibility of what were the true interests of the colony as well as of this country." He was at the time solving the congenial question—whether a badge as well as a sword should be given to loyal chiefs—and a few days afterwards wrote a separate despatch about it.

After the close of the session the Governor visited Tara-[illegible]ki, accompanied by Donald McLean. The careful examina-[illegible] Manawatu land dispute by the court [illegible] reconciling Maoris to the [illegible] of a prisoner, proved to [illegible] returned from the

Chatham Islands, was said to be a warning to those who might be disposed to join that robber. One prisoner strangled himself in gaol, and three of Te Kooti's companions were sentenced to penal servitude for life. One of them, Matene te Karo, averred that he had fought for the government as well as for Te Kooti, and the Attorney-General admitted the truth of the averment. Seventy-three of Titokowaru's followers were sentenced to terms of penal servitude ranging downwards from seven years. After his flight Titokowaru was quiet.

When Te Kooti reached Lake Taupo he entered upon a career of defeat, escape, march and countermarch, sudden attacks upon overwhelming numbers, and retreats so rapid that men were aghast at his movements. It is a tale which none but a Hau Hau chronicler could tell, except as to his conflicts with the local forces. His first repulse was at the hands of a Maori chief, Henare Tomōana, who was persuaded by Mr. J. D. Ormond, superintendent at Hawke's Bay, to lead an expedition from Napier. Henare Tomoana was about to start when one Sutton served him with a writ for a debt of £900. Ormond (government agent as well as superintendent) sent a message to Sutton: "I explained (he said, 1873) that it was for the public benefit that Henare was going out, and asked him to wait till his return. Sutton said, 'He is going into action, he may be shot to-morrow, and what is to become of my money?'" But Mr. Ormond prevailed. He swore (1873) Henare gave "the writ as a reason why he could not go. I obtained its suspension in some way, and he did go." Sutton swore (1873): "The action proceeded, judgment being entered in default of plea. . . . I did not at once enter up judgment, but waited till about a month after Henare's return from Taupo." Henare Tomoana, unconscious of Sutton's campaign in his rear, marched (Aug., 1869) to Taupo, and at Tauranga, bordering on the east shore of the lake, Te Kooti made a sudden onslaught with numbers superior to those of Tomoana. Nevertheless, sustaining and m ing a fire, heard far off by friends unable to as brave Tomoana twice beat off his assailants. He men, but Te Kooti seized more than a hundre which it had cost Tomoana much to provide.

Rangihiwinui had been sent for. Armed constabulary were despatched to Runanga, commanding an entrance from the Uriwera territory eastward of Lake Taupo. In July, 1869, Mr. Fox had informed Colonel Whitmore that his services in command of troops would be discontinued, and offered him a commissariat appointment which would entail resignation of his seat in Parliament. Whitmore declined the offer, and the ministry sent Col. McDonell to Lake Taupo. Mr. Ormond, as government agent at Hawke's Bay, had under nominal control 220 Ngatikahungunu, 50 Arawa, and a few militia and constabulary. Of a total of 550 men, 440 were Maoris. The rapidity of Te Kooti's movements made it doubtful whether the settlements could be protected. Ormond reported his conviction that if Tomoana had not worsted Te Kooti, the rebel standard would have been flocked to; and the centre of the island, with direct connection with the Uriwera mountains, would have armed against the Queen. In the signal service he had rendered, Tomoana had thought himself insufficiently supported by the colonial forces near him. He expressed surprise, but accepted with good grace the reasons offered by Colonel Herrick for not relieving him. He showed Herrick a sketch of his own position, and that of Te Kooti, which proved how hardly he had been pressed. It was surmised by others, as well as by Mr. Ormond, that success would have brought large accessions to Te Kooti's ranks, and that his failure did much to destroy the "mana" of his "atua," the "authority" of the "god" whose priest and warrior he claimed to be. Colonel Herrick thought the government should notice Tomoana's gallantry. Te Kooti at Tokano, at the head of Lake Taupo, took up a position which severed Colonel McDonell and Henare Tomoana, but he abandoned it on learning that his enemies were arriving in force. Carrying off towards Moerangi all the cattle he could seize, he left Tokano, where Col. McDonell effected a junction with Henare Tomoana. Te Kooti, having re-[illegible]ed his camp and baggage, returned to deal with his [illegible] Again he was beaten, but Col. McDonell reported [illegible]t well and contested every inch of ground with [illegible]men, skilfully disposed in rifle-pits and [illegible]'s loss was thought to be thirty men.

Lieut. Gudgeon's narrative informs us that "most of the killed and wounded were left behind. The latter were soon despatched, for Col. McDonell was not a man to spare scoundrels who openly boasted of having participated in the Poverty Bay massacre; in fact there never was an officer in New Zealand with less of the maudlin sentimentality known as Exeter Hallism than he."[11] Te Kooti saw that his position was critical. Moreover, the dreaded Rangihiwinui was approaching. Te Kooti's enemies held the passes towards his haunts in the Uriwera mountains. To deter Rangihiwinui, he warned him to leave the quarrel alone, under threat of a raid down the Wanganui river amongst Rangihiwinui's friends. On the 1st Oct., Rangihiwinui reached the camp, and his Wanganui men were greeted by the Ngatikahungunu with a war-dance. McDonell with more than 400 men (3rd Oct.) assailed Te Kooti's fortified position at Pourere, near Lake Rotoaira. The force was composed of Wanganui, Ngatikahungunu, Arawa, and Europeans. The commander was McDonell, but like Vendome under the Duke of Burgundy the workman was Rangihiwinui. McDonell reported:—

"Rangihiwinui's party came into contact with the enemy's skirmishers about half-a-mile in front of the redoubt, and quickly dislodged them, following them up wildly and driving them back in confusion and with some loss. . . . The Wanganuis set the example by charging up the face of the hill on which stood the redoubt, closely followed by the Ngatikahungunu and Arawa. Though exposed to the galling fire of the enemy, who fought well, they had in a short time taken the trenches in the front and right of the redoubt, undermining the parapet, jumping up and firing into it."

Colonel McDonell said: "Rangihiwinui has been my right hand man all through, and a great proportion of the late success has been owing to his conduct, and the bravery of my old friends, the Wanganuis." Winiata, of whose prowess his tribe were proud, was shot as he stood exposed on the parapet of Te Kooti's pah, firing rifle after rifle handed to him by comrades below. A despatch from Rangihiwinui to Mete Kingi was published:

"Whanganui and Ngatiteapokoiri made a flank movement. advance got close up, the flank party attacked; the enemy see

[1] To an English reader it may appear strange that in one writer can condemn brutality and advocate it.

were advancing to attack fired a volley at us. Whanganui and Te Paneiri paid no heed to it, but went right on. When close up we fired a volley and the enemy retreated. Winiata Pakero made a rush and killed the first man, Te Mano"—(a notable point in Maori war) . . . "the enemy retreated to their pah . . . the enemy fired and killed Winiata Pakero; they fired again and killed Pape . . . then the pah was rushed; Te Wiki jumped up and shot a Hau Hau dead. In about a minute they were lying as thick as a heap of sharks. Thirty of the enemy fell; including prisoners saved alive—seventy. The chief whose life was spared was Wiripo Tohiraukura. The last man killed was Tarei, a son of Te Papo; he was killed by Kingi te Patuotu. Of the Europeans, Captain George was killed. Three of us, the Maoris, were killed; and the European makes four."

Te Heu Heu, whom Te Kooti had captured, offered to surrender to the chiefs. He told Rangihiwinui: "All you have done is fair. I have nothing to say against you, but I do blame Hohepa Tamamutu, and had he led the charge on my pah, I should have aimed at him and shot him." Again Te Kooti had been wounded. The pursuit had followed a track, but the fugitives threaded their way through the jungle. Where they re-assembled McDonell could not ascertain. He marched and countermarched in vain until it was ascertained that Te Kooti had taken sanctuary in the territory of the Maori king, which McLean had no disposition to violate. It was fortunate that McLean was in the ministry. The same instinct which drove Fox to quarrel with Sir G. Grey about confiscation of land now burst from him in a telegram to Ormond, about terms with Te Heu Heu. "I think he ought to give land at Taupo for a small settlement and redoubt, and pledge himself to assist in road-making." McLean gave wiser counsel. He told Ormond:

"I do not think it would be judicious or politic to confiscate any of Te Heu Heu's land, nor do I consider, as far as I know of the case, that such a course would be attended with good results. In the first place, his possessions are very small, and so much mixed up with the land of friendly natives that the trouble of getting a clear title would be greater than the cost of acquiring such land as may be necessary for settlement. I believe that the members of the Cabinet are agreed that the confiscation policy, as a whole, has been an expensive mistake. I am clearly of opinion that [illegible], in all cases where land is required, is the most politic and satis- [illegible] of acquiring territory for the purposes of government, as it [illegible] a standing army to maintain possession."

[illegible] words been spoken by a minister in [illegible] might have had rest. It was [illegible] Heu as having been forcibly

misled by Te Kooti; and Te Heu Heu was grateful. He said that Te Kooti was probably at Tuhua, near the sources of the Wanganui river in the king's territory, within which McLean would not allow him to be pursued. From Auckland McLean corresponded incessantly with chiefs and officers by letter and by telegram.

Topia Turoa may be remembered as the chief who was allowed (by Sir G. Grey) twenty-four hours to put himself out of the reach of the government at Wanganui. He was a relative of the Maori king. He sent word (28th Oct.) to Rangihiwinui and Mete Kingi that he had something to tell them from the king, at Ohinemutu, on the Upper Wanganui. Rangihiwinui recommended Col. McDonell to keep the armed Maoris on the alert at Tokano, while he went to Wanganui to hear the word of Topia's king. He impressed upon McDonell the urgency of making roads converging at Lake Taupo, so that, if other tribes should join Te Kooti, troops might speedily be moved to confront them. This was in the beginning of November. On the 22nd, Colonel McDonell reported that he had been reluctantly compelled to send home the Wanganui men because he could not supply food. Fearing an attack, he had asked them to remain without supplies. "They cheerfully consented to stay, and since then have searched for and scraped up food as best they could; the last potatoes they had to go thirty miles for." The Maoris were, he said, "all that could be desired. I cannot say too much in their praise. Much of their good spirit was no doubt infused by their leaders—Rangihiwinui and Captains McDonell and Wirihana." Old Poihipi Tukeraingi was on the alert. No one knew in what direction Te Kooti would be heard of, but there were rumours that Kereopa had joined him. Rangihiwinui in his letters spoke of the latter contemptously as "the eye-eater." McLean thought the time propitious for making terms with the Maori king, and Ngapora and Rewi were willing to meet their old acquaintance. McLean arrived (6th Nov.) at Otorohanga on the border of the king's pale, and Ngapora invited him to Pahuko. McLean with companions and a few friends went thither. Amongst 200 chiefs present there were many of importance. [illegible] received

respect. Prayers were offered up with fervour, in front of the house of the chiefs, before Ngapora stepped forward to shake hands with his visitor. Food was placed before the guests. No chief stepped forward to speak when the repast was finished. McLean moved towards them, and said that as he understood they wished to depart from custom and to hear him first he would address them. He reminded them of his friendship with their old chiefs—the great trees of the forest—passed away. He recognised their good spirit in discountenancing Te Kooti. Why should they not all act together in suppressing evil? To Ngapora he said: "You and I are no strangers. We have talked together frequently in times gone by. Why are you now silent? Let their speech be free as to their intentions. If evil, let it be understood; if peace, let it be proclaimed. My thought is, let the evil be cast away and let us hold to the good. It is now for you to express your thoughts." After long silence, Rewi rose. "Friends," he said, "this is the man. This is Makarini. He has come to speak to Potatau." He chanted an invocation to the spirits of the departed; then, turning to the visitor, he said: "There is nothing to be said except Welcome, welcome, come and see us,"—shook hands with him, and sat down. There was another pause, broken only by muttered speech among the chiefs. Then Rewi rose and spoke for all. "This is my word. Cease, cease, cease. Let fighting end. Here is another word. Let my land at Taupo be restored; you have got the men, but leave the land with me. Te Heu Heu is in your hand; he has been foolish, but deal mercifully, and let him be liberated. I have yet another word; Te Hura, has he not been punished enough for his evil? Let Te Hura be given to me. That is all. Now—do you answer me." McLean said: "As to your first word, Rewi, Cease, cease, cease—I say yes." Let all work together to restore order. As to Taupo, the troops had not gone there to take land. Not[illegible] would be done without consent of the chiefs who [illegible] Te Heu Heu would be released. Would Rewi be [illegible] Te H[illegible] if he were set free? Rewi answered, [illegible] Heu Heu; he belongs to another [illegible] Hura here." Then, turning to [illegible] they had nothing to say to

"Makarini," the repository of the thoughts, "who is able to settle troublesome questions." McLean had a word to say about Te Kooti. It was right to expel him from the district, but Rewi was wrong to accompany him. Rewi replied: "I will speak to you in future about him. He is in the mountains somewhere now. Should he not be caught by your soldiers, and should he come to me and be peaceful, I shall not molest him; but should he be troublesome in my district I will deliver him to you. . . . You blame me for accompanying him. I did so to see him out of my district. I did not wish to shield him from you when beyond my boundaries." McLean suggested that they should select a chief whom they could trust to assist the government in allaying misunderstandings. Rewi said that enough had been done for that day, and it was much. There were other days in store. Let the sun shine and the rain fall on the words spoken. It was no small matter that they had spoken with Makarini. If only a fragment of light was yet visible, like the dawn it would soon spread. There were indications that the chiefs were satisfied with the result. Several shook hands with their visitor. Tamati Ngapora told him that he was labouring to deter the Maoris from joining Te Kooti, and promised to warn Poihipi Tukeraingi in case a war party should be sent out. Te Hura, for whose release Rewi applied, had been imprisoned for joining an outbreak on the east coast in 1865. He was related to Rewi and Ngapora. On Mr. McLean's advice he, with others, was released. Mr. McLean sent a circular letter to chiefs throughout the island to acquaint them with the good relations he had established. Thus, face to face, according to Maori custom, were terms of peace arranged with the man whom the Maoris trusted. No contract was signed. No protocols were interchanged. The word of the Maori was enough. Tawhiao's word had indeed gone forth, through Topia Turoa, before McLean visited the chiefs; and Mete Kingi and Rangihiwinui had been invited to hear it. McLean sent to Mr. Ormond the names of the localities in which Te Kooti might be pursued without infringement of Tawhiao's rule. "Preliminaries of peace had been concluded," he said, "with the Ngatimaniapoto and Waikato

tribes." The care with which McLean guarded against untoward events in dangerous districts was shown by the appointment (15th Nov.) of a board to advise on native affairs at Taranaki. It contained the names of the members for the district, of Mr. Parris, and of the superintendent of the province. McLean added five chiefs to the board soon after it was constituted. But it was important that the resolve of Tawhiao and his counsellors should be made known amongst the Maoris, and Topia Turoa was the mouthpiece of his king. Rangihiwinui marched towards Ohinemutu, on the Wanganui River, where Mete Kingi and Topia had met in a new house called Aomarama, or the dawning of clear light, after the long estrangement between the Wanganui tribes. On each side were about 200 chiefs. Salutations and speeches preceded the following announcement by Topia—

"Friends, fathers, brothers. You are welcome. Come with the talk—the talk of former days. You are not the chiefs of the daylight. I am the chief of the daylight. If you go to the house of a Pakeha friend you are asked what you will eat. I am expected to talk to-day, and I ask what you will take, whether—1st, You wish me to take Te Kooti prisoner; 2nd, Whether he shall be tried; or 3rd, Whether you wish that we may be at peace; or 4th, Whether there shall be fighting between us?" Mete Kingi responded. His love for the men of the Wanganui was not exhausted. Why would they persist in living in darkness? Let the good of the people of Wanganui be the first thought, and not quarrels abroad. "Salutations to you, Topia! You who have come from Tawhiao, the man who is the foundation of the whole matter. . . . Welcome, welcome to your canoe. Come back to your canoe. Although you have a different master it is right for me to ask you to come back to the feelings and thoughts of bygone days. Your words are large. In the morning it rains, at noon it clears up. Your words are like this. . . ."

The meeting separated for a repast; but the end was plain. On reassembling, Topia read a letter from Tawhiao to himself, declaring that all men were to turn against Te Kooti, whose name was to be made a by-word among the people. Topia volunteered to assist. But "see," he said, "this (a spear) is my only weapon. Do you think it can kill men? [illegible] sav [illegible] dficient against a rifle I will take it; [illegible] are a better weapon for my purpose [illegible] These are words! Words! —I am [illegible] Te Kooti. . . . This hous[illegible] ood work go [illegible]." Mete [illegible] ngihiwinui

before taking further steps. Topia said he would only strive to capture Te Kooti and about thirty of his immediate followers; and another chief, Pehi, said: "There is a great difference between the guilt of Titokowaru and Te Kooti. The former was fighting for his land." On the 27th, the chiefs assembled again at Ranana, a place lower down the Wanganui river. Rangihiwinui had arrived. Rangihiwinui welcomed Topia as a relative who made all hearts whole by his words. Once he had declared: "I will not see Topia; he has allowed the window to be broken, namely, the word of peace between him and Hori Kingi. Now that you have come it is well." A chief suspected of intriguing with Te Kooti was told by another that he ought to exchange his spear for a "taiaha" (flat-headed wooden weapon), because it had two faces. Rangihiwinui denounced the intriguer with warmth, and Topia as master of the ceremonies interposed, with words of goodwill, inviting Rangihiwinui to join in putting down Te Kooti. The meeting concluded with a short speech from Rangihiwinui, who was not deaf to the cautions of wisdom. "Welcome, Topia, the man of influence and the man of words. . . . I am not a man of words. Fighting is my work. I am a fighting man. With you is the work at this time."

The government having been informed of Topia's proposals, and his demand for firearms, Fox went to the scene. A canoe carried 40 guns and 2000 rounds of cartridges. Seven Maoris poled the canoe against the rushing Wanganui. But Mr. Fox was not sure that Topia could be trusted. At Ranana he met the chiefs (29th Nov.) There Rangihiwinui was spokesman, although Topia was present. He told Mr. Fox that unless he wished them to speak first it was for him to address them as visitors come from the war. Fox greeted them warmly, and paid tribute to the valour of the Wanganui war-party returned from Taupo. "Let us, Rangihiwinui and Topia, combine, and then we shall have peace. Why should there be fighting and trouble? There is no cause of quarrel [illegible] do not fight about the king, or about land; there [illegible] cause why there should not be peace. . . . The co[illegible] is large enough for all." It may be questioned wh[illegible] Fox's new opinions about T[illegible] 'he righ[illegible]

Maoris would have been accepted as sincere if McLean had not been the Native Minister. The man of whose enmity Te Waharoa, the king-maker, had complained, was not the man after their hearts. They put forward Rangihiwinui, who had declared that he was no orator, to make categorical demands—

"I have three burdens on my shoulders. They are very oppressive, and it is in your power to remove them. My first burden is Tongariro—the land about Taupo. Let that land be given to the original owners, to Hare Tauteka, to Topia, to the children of Hori Kingi, to the chiefs of Wanganui, who have claims there. Do not take the land as the land of the Ngatiruanui tribes was taken. That land, Taupo, belonged to me in common with others. After Te Kooti came, I went there and took that land again. I took it as a servant of the government. Therefore I say to you, at the head of the government which I serve, do not confiscate that land, the land of the men who have been fighting your battles. Let the owners of the land reoccupy. That is one burden which it is for you to remove."

The other burdens were about imprisoned Ngarauru and Pakakohi Maoris. Let them be given to him. Let them live on the Wanganui river. He would be responsible for their good conduct. Others, including Mete Kingi, took up the burdens of the chieftain's speech. Mr. Fox was now face to face with Maoris, as he had desired to be a few years before. But no English army was at his beck in 1869. He also felt his burden. As to the Taupo land: "Why should the government claim it?—the land of Hare Tauteka, of Topia, of Wirihana, and the rest? Is it not the land of those chiefs, and of the children of Hori Kingi? The government will not touch any of that land. It will remain with the owners who have always possessed it." McLean was the man to arrange such matters. The chiefs applauded, and Rangihiwinui said, "that burden is now taken off." When Fox said that the Ngarauru men would be allowed to live on the Wanganui river under Rangihiwinui's care, there was loud applause, but the third burden he could not at once remove. When peace might be firmly established, perhaps the offending Pakakohi imprisoned at Otago might be released.[12]

[illegible] author conversed with Rangihiwinui about his propositions, [illegible] of them, with regard to land at Taupo, and the [illegible] land said: "I made better use of the [illegible] they tried to keep them at the Chatham

The subject of putting arms in the hands of Topia was reserved for an interview between Mr. Fox and that chief, with Mete Kingi and Rangihiwinui. Fox was profuse in compliments. The members of the government were now friends with "chiefs and tribes of honourable men." McLean had their best interests at heart. Topia was pleased to hear that Mr. Fox had brought firearms to enable him to pursue Te Kooti. "My words were not spoken lightly, therefore I willingly take the responsibility of receiving the arms you have brought." Let the arms remain with Mete Kingi and Rangihiwinui till required.

"There are two tribes or peoples here. First, the Europeans, amongst whom I include all government natives; and, sécondly, the natives living inland. I represent the latter class. We struck out a path for ourselves; but the good in that work has been destroyed by wicked men (Te Kooti and others) who made side-paths for themselves, which have led to trouble and disaster, and brought disgrace upon the whole party of which they were offshoots. We, the chiefs and men of thought of this party, now wish for what you also wish—a renewal of the good feeling which once existed between the Pakeha and the Maori. We are now trying to establish a road to it."

Mete Kingi suggested that he would leave to Topia and Rangihiwinui the charge of the arms. Mr. Fox perhaps distrusted Topia, for he waited till the following day for a general recommendation from the friendly chiefs, who reported that it was right to trust Topia fully, and hand him the arms. Fox proceeded up the river to Ohinemutu, and on the following day (1st Dec.) met the chiefs publicly in the new house, Aomarama. How deeply the land question had pierced the native mind was shown by the importance given to the fact that McLean's policy—not to confiscate land at Taupo—was made the public test of the words of the government. Topia declared: "We have heard your words about Taupo; they are the same as those of Makarini (McLean) in reply to Rewi." Mr. Fox protested that he had great confidence in Topia. "Had I thought him a deceitful man I would not have brought those guns. I knew Topia was a great chief, and I felt sure the word of such a chief would not be broken." Tahana

Islands. Te Kooti escaped and caused trouble. I induced Mr. Fox to yield those prisoners to me. I made soldiers of them, and they fought well for the Queen under me. Was not that better?"

Turoa rose and repeated the words of Topia Turoa; then, turning to his brother chiefs, he said: "Let this 1st of December, 1869, be the first day in our new life; let all the old thoughts and grievances be washed away. . . . When we separate, let not the separation be long. Let the Pakeha and the Maori come to the Aomarama; and let us hope for better times in the future."

McLean had indeed done a good work, and Fox deserved gratitude for not impeding it. Topia Turoa, in the name of the king, was ready to war against Te Kooti, who lurked in the mountains whence flowed the waters of the Wanganui and the Waikato. While schemes for his capture were concocted, it was reported in Wanganui that he had made a raid on a native settlement on the river. Mr. Fox telegraphed to Mr. Ormond that "all Wanganui was furious," and that Rangihiwinui wished to take 500 men to punish the outlaw. That chief with Topia Turoa and 600 men, of whom each commanded a moiety, proceeded (13th Dec.) up the river from Ohinemutu. Te Kooti spurned warnings from Tawhiao, and retorted with threats. A chief, Topini, barred the progress of Topia and Rangihiwinui, but on Topia's persistence withdrew his opposition. Amongst the 300 whom Rangihiwinui led were some of the Ngarauru, who (made prisoners for aiding Titokowaru, and yielded to Rangihiwinui by Fox) now shouldered arms for the Queen.

Everything seemed prosperous in Fox's estimation if only Earl Granville would leave the 18th Regt. a little longer. But at this time terms which would "preclude continuance of doubts and surmises," ordered removal of the troops. It was urged that the "distasteful remedies of abandonment of land, the recognition of Maori authority, and the maintenance of an expensive force" would not be resorted to while the colony expected assistance from England. True friends of the colonists would tell them that they must adjust their policy to their resources. The ministers at [illegible]ington drew up a memorandum which reached Sir G. [illegible] while he was on a tour with McLean at the Thames [illegible] deprecated change while negotiations [illegible] progress. They pointed out that the [illegible] 7th, was published in London in

the "Times" on the 12th October, and that the substance of it, publicly telegraphed to Ceylon, was known in New Zealand before the despatch reached the Governor. The colonists asked neither money nor compassion, but appealed to eternal principles of justice, which were as much the duty of the strong as the heritage of the weak, and which even the most powerful nation should not withhold from the meanest suppliant. The colony should not practically be "thrust out beyond the pale of the empire as of infinitely less consideration than a British subject in foreign lands." Sir G. Bowen reported that McLean entirely concurred with his colleagues. At a later date (2nd April) the Governor sent a separate memorandum, in which McLean said that a meeting was about to be held at Raglan, on the west coast, by natives, to consider Earl Granville's despatch, and that "it would be well that Lord Granville's attention should be called to the fact, and should be informed that the despatch, which was supposed to convey his ultimatum, is understood by the natives to mean encouragement to them to make extravagant demands on the colony." Fox also denounced the invitation to leave the empire, which Earl Granville, by implication, offered to the colony. The "Ministerial Memoranda" were published in pamphlet form in New Zealand, with a preface which declared that the policy pursued towards New Zealand "evidently contemplated a disruption of the empire." The pamphlet was transmitted for general distribution in England.

It happened that at this time the tone of Earl Granville and the speculations of Professor Goldwin Smith and others jarred upon the hearts of many Englishmen. Earl Granville had casually said that there would be no desire to retain a colony willing to separate itself from English sway. It was rumoured that Gladstone, the Prime Minister, sympathized with the Earl. A Colonial Society (afterwards the Royal Colonial Institute) was formed in London in 1868, to bind closer the union of the mother-country with all her colonies. The effect was almost instantaneous on the mind of Mr. Gladstone if not on Earl Granville's. Viscount Bury was president of the society. In March, 1869, 200 noblemen and others expounded their thoughts after a feast. Conservatives and Whigs were there. Mr. Gladstone pro-

posed the toast of "Prosperity to the Colonial Society," and with practised tongue played upon the sympathies of his audience. The Marquis of Normanby, in proposing "the Colonial Empire," roundly declared that no severance of colonies such as some persons desired would be tolerated by those whom he addressed. He repudiated such a doctrine. Earl Granville responded, and descanted amiably upon the reorganization of the order of St. Michael and St. George, recommended by his predecessor, and promoted by himself. Four Cabinet Ministers graced the board, and the spectre of the disintegration of the empire was not presented to view. Yet, like the effigy of Brutus hidden in Rome, it was in all men's minds. Sir Charles Nicholson, who had been Speaker in New South Wales and President of the Legislative Council in Queensland, deprecated the mischievous speculators who would sever the colonies from England. Sir Charles Clifford, recently Speaker in New Zealand, touched the same chord when he said that to keep the colonists in good humour it was needful "that their feelings should not be maligned." Under the varnish of Earl Granville's polished manners he detected the spirit of detraction; and shortly afterwards signed with Sir G. Grey and others the protest which declared that the policy of the Colonial Office tended to drive New Zealand out of the empire.

The new society was not a power, but it expressed a conviction. The typical Englishman, though not a creature of sentiment, displays feeling when it is least expected by those who do not understand him. When, in 1857, John Bright and Richard Cobden were rejected at Manchester and Huddersfield, when, in 1874, Mr. Gladstone was sent back from a general election shorn of his strength, the surprise of their friends was measureless. They called the people ungrateful. They ought to have confessed that they had misunderstood them. At the inaugural meeting of the Colonial Society (15th Ma[illegible] 1869),[13] Viscount Bury declared that th[illegible] [illegible]ut h[illegible] [illegible]hievous eloquence of

[13] After a time the [illegible] Colonial I[illegible] which has done so much to p[illegible] and obtained a Charter of [illegible] [illegible]ber of Fellows was 3775.

Professor Goldwin Smith called for such a bond of union as the society furnished. "Earl Granville" (wrote J. A. Froude) "took pains to exhibit his indifference whether the colonies went or stayed; and it is this indifference, so ostentatiously displayed, which is the active cause of alienation." After Froude's death, in 1894, a letter written by him in 1870 was published, in which he said: "G— and Co. deliberately intend to shake off the colonies. They are privately using their command of the situation to make the separation inevitable." By faint denials and polite evasions, and by his translation to the Foreign Office on the death of the Earl of Clarendon in 1870, Earl Granville's influence disappeared. His successor, Earl Kimberley, was inoffensive, and Mr. Knatchbull-Hugessen, who became Under-Secretary for the Colonies, disclaimed all sympathy with those who would treat colonies with coldness, and meanly regard the links which bound them to the land of their forefathers. He, for his part, would do his best to strengthen them. In 1872, he asserted that such was the policy of the government of Mr. Gladstone. "Once more I tell you that unless I am utterly and entirely deceived, the policy of the government is to cement the union between the colonies and the mother-country." Iteration would have been needless if Earl Granville had not created the impression which the speaker strove to destroy.

On the 27th July, 1869, Earl Carnarvon suggested that the government should send some one in whom they had confidence to report on the colony. He cited analogous cases: Lord Durham in Canada; Sir H. Storks in Jamaica; Mr. Gladstone in the Ionian Islands; furnished instances. Lord Granville did not accept the suggestion, but used no irritating phrases. The Bishop of Lichfield (Selwyn) entreated the government not to commit themselves rigidly to the principle that they would under no circumstances interfere in the affairs of the colony. He declared that though a few colonists might at times rush into violence, the great majority were inclined to live in peace with the natives. In mercy, both to colonists and natives, let power be retained to interfere in urgent need. It is almost needless to say that his eloquence was less potent with Earl Granville than

it had been in former years with Maoris. The planished crust of civilization can be harder than the heart of a savage.

About the time that Sir G. Bowen forwarded remonstrances against Earl Granville's despatch (of 7th Oct., 1869) the New Zealand Commissioners arrived in England, and the negotiations of McLean with Tawhiao's adherents became known. Earl Granville tendered to the negotiator the Companionship of the Order of St. Michael and St. George. Unconscious of the offer McLean was intent on the pursuit of Te Kooti. Mr. Vogel was busy in Australia negotiating a mail contract between Sydney, Auckland, and San Francisco. Maori affairs were by common consent relegated to McLean. Topia Turoa and Rangihiwinui, impeded by stormy weather and want of supplies, reached Taumarunui, near Tuhua, to find that Te Kooti had deserted his cultivations, which were so extensive as to imply that he had intended to dwell there. Rangihiwinui sent back 100 of his men to guard the Wanganui country, and pursued with Topia. Suddenly Te Kooti appeared close to the English settlement, Cambridge, on the Waikato river (far from his recent lurking-place) and seemed to threaten settlements at the Waikato on one side and Tauranga on the other. He was received in friendly manner by Hakaraia, of Tapapa. He sounded the son of the king-maker. He sent a message to Mr. Firth. He told Firth his lands were safe because he had been the friend of Te Waharoa. He would not fight on them. Mr. Firth thought this a Maori overture and telegraphed to McLean. If the government would spare the lives of Te Kooti and his companions he might surrender. Te Kooti asked for a conference with Firth, who agreed to meet him at the monument of Te Waharoa at Matamata. McLean hastened to Tauranga to order affairs there in case of attack. Dr. Pollen, agent for the government at Auckland, refused to parley with Te Kooti in spite of Firth's averment that a general amnesty might ensure lasting peace. [illegible] that no effort should be made to capture the [illegible] interview with Mr. Firth. Te Kooti told [illegible] to live in peace with Hakaraia at Tu[illegible] ment would let hi[illegible] he wo[illegible]

returning to Cambridge, Firth found a message from Dr. Pollen, guaranteeing safe-conduct for Te Kooti as a prisoner to Auckland. Te Kooti wrote to Dr. Pollen: "Friend, I have seen your reply. My word to you is that I have promised Firth to cease fighting. But as for me I will not go to Auckland. Let me remain in peace. Slaying shall cease; but if you pursue me let it be so. Friend, let your trying to kill me cease. That is all." If McLean could have foreseen the future he might have accepted these terms. But Te Kooti's capture was deemed certain. Topia and Rangihiwinui were on the march. Col. McDonell effected a junction with them. Between Te Kooti and his haunts among the Uriwera was the lake country of the loyal Arawa. The Ngaiterangi at Tauranga had pledged themselves to assist McLean. McLean's chief obstacle was Earl Granville's despatch (7th Oct.) He wrote to the Governor (14th Feb.) that some advisers of the king "read in the despatch an incentive to combined national movement. The furiously disaffected are of course delighted with it. It has even worked mischief with that section of the colonists who have habitually felt themselves at liberty to interfere without authority, and lend their countenance to rebellion. Thus Mr. Firth, the lessee of a large quantity of native land, made an attempt to procure for Te Kooti, who had promised not to interfere with his land, something like a free pardon. Ministers have lately had to exercise a great deal of firmness." With such feelings in McLean's mind the overtures of Firth were disregarded. Fox also was indignant. He rated Dr. Pollen for suspending operations during Firth's interview with Te Kooti. The government would not accept any position thus forced upon them by a man who, like Mr. Firth, "officiously interfered" by visiting Tawhiao in 1869. Dr. Pollen at once tendered his resignation of office, but, apprehensive of going too far, Fox, in the name of the ministry, begged him to withdraw it, and Dr. Pollen remained in office. When the papers were produced Mr. Firth took umbrage at the allusions to him and printed a defence. Confident in himself and in his reputation, and attributing Mr. Firth's zeal partly to fear of losing land held under lease, McLean paid no heed to him, and the government forces were pushed

forward to hem in Te Kooti, who knew their movements, and told Dr. Pollen to keep back the troops if he wished for peace. Col. McDonell, Rangihiwinui, and Topia, with a force of 370 Wanganui, 150 Arawa, and 100 Europeans, advanced rapidly from Lake Taupo, and (24th Jan.) came in contact with Te Kooti's picquets at Tapapa. Rangihiwinui's usual office of activity fell to his lot. With 200 men he dived into the forest at night to take a position on the enemy's rear. The remainder of the force was to move at daylight. Col. McDonell thought it fortunate that he was prevented "by circumstances" from moving so early as had been agreed upon, for "just as he was preparing to start," from the bush close to the camp Te Kooti attacked him in a dense fog. The enemy was driven back with trifling casualties. Topia Turoa and his men pursued and lost several men, though not so many as they killed. In the afternoon Rangihiwinui returned. He had heard the firing at Tapapa and promptly dashed on Te Kooti's camp, which he destroyed, capturing more than 100 horses. The loss of his horses was deemed a deadly blow to the fugitive, but for several days no man could learn whither he had gone, although more than 800 men were in arms against him in the district. On the 29th he was found at Kurunui. Thinking it too late to attack him on that day, McDonell returned to Tapapa, leaving Rangihiwinui to watch him on a rifle-pitted hill. In the morning Te Kooti was gone. Rangihiwinui pursued through the bush, and on a track leading towards Tauranga shot one of the fugitives; but having no supply of food returned to his camp. The robber's career seemed to be run. Contemned by Tawhiao, beaten by Maoris attached to the Queen, he could raise no tribes to assist him. The Uriwera, fearing confiscation of land for their previous hostility, might, like himself, live and die snapping like wolves at their foe, but the Arawa domain was between him and the Uriwera, and the Arawa were in [illegible] against him. A strong force was posted [illegible] tireless, such was the character of T[illegible] an object of terror. McLean instr[illegible] passes, and spec[illegible] ward into the dom[illegible] Tauranga

may be surmised when it is remembered that it was visible from the hills in which Te Kooti lurked. Fortunately H.M.S. "Blanche" and "Rosario" were in the harbour. Through the tangled wood and the fern, marauding parties, far outnumbering his own, in zigzag courses strove to find and crush the outlaw.

Topia and Rangihiwinui advanced on his trail towards Paengaroa. Colonel Fraser was traversing the forest between Tauranga and Rotorua, when (3rd Feb.), from an ambuscade, shots laid low two Arawa and one European. The outlaw retreated safely, and it was remarked that he had accepted the new conditions of his warfare. There was no war-cry of defiance, no shout of exultation. His path was silent as death. Topia and Rangihiwinui reached Paengaroa on the 4th, and lamented that the skirmish with Colonel Fraser had disturbed their prey. Colonel Fraser, "glad to see them," "sent them for food, and to occupy Oropi," about twelve miles from Tauranga, thus unwisely checking the pursuit. The Civil Commissioner at Tauranga, about seventeen miles from Paengaroa, wrote: "I am unable to explain why Te Kooti's trail was not followed up." Rangihiwinui advocated immediate pursuit, but was overruled. Colonel Fraser's reason was thus stated: "On the 6th, it rained torrents." Te Kooti disregarded such impediments. On the 7th, he was far away to the south, at Lake Rotorua, where Lieut. Mair strove to stay him with the loyal Arawa. A Maori woman had seen some of Te Kooti's band emerging from the forest of Ngongotaha, on the west of Lake Rotorua. She fled to escape capture. As Mair was gathering in his patrols, the robber sent an envoy to propose terms of peace between the Uriwera tribe and their neighbours. He knew himself to be outnumbered. His men were distressed by toil through mud and jungle. He wished to gain time. Before it was discovered that his proposals were a trick he had sped two miles on his way. Availing himself of every favourable position to shield with picked men the retreat of the main body—through broken ferny ground and swamp and fell—he pursued a track till the sun had set, and then suddenly turned into the Tumunui bush, into which it was thought useless to follow him. The pursuers were fatigued. So

hot and close was the pursuit for 16 miles, that, with a glass, Lieut. Mair could distinguish Te Kooti and his wife. Through the night the flight continued. A brief halt was made to cook food at Ohau, and at daylight the path to a grim lodgment in Uriwera territory was assured. Col. Fraser, who had checked Topia and Rangihiwinui in their pursuit, was urged by Mr. Clarke, Civil Commissioner at Tauranga, to hasten to Rotorua through the Mangorewha forest to help Lieut. Mair. He marched (8th Feb.) to Tauranga to obtain passages by sea to the south, in order to land troops and march inland to Kaingaroa, in the Uriwera territory. Mr. Clarke complained that Col. Fraser had not perceived that men could not be landed on the coast in the heavy sea then running, and that the only available vessel was incapable of carrying his men except by repeated voyages.

On the same evening in which Te Kooti shook off his pursuers and dashed into the Tumunui bush, the wondering Colonel McDonell arrived at Tauranga to gain intelligence—"having not the least idea of what was going on." While pursuing Te Kooti, Rangihiwinui had sometimes been without any food but fern-root for his men. It was thought that but for Colonel Fraser's interference Topia and Rangihiwinui might have prevented Te Kooti's escape from Paengaroa. Ropata Wahawaha, with the Arawa chiefs, consulted with Mr. McLean. Confusion ensued from divided command (Ropata said), and Maoris were impatient of European orders "while engaged in field operations." The government informed Col. McDonell that after full consideration they had determined that no European should interfere with the new expedition, but that the chiefs of each tribe should command their followers.[14] In after years McLean informed the General Assembly that Ropata declared that his zeal was stimulated by McLean's resolution that life should be

"Lieutenant [illegible] ces of the War," makes no allusion to this [illegible] of the government except by casual [illegible] Tapapa "was the last in which [illegible] of that "fortunately for the government [illegible] Kepa to Rangihiwinui and [illegible] explain the

spared. Ropata's good faith was proved by his capturing hundreds of his countrymen on these terms. Ropata was to lead a force from the Poverty Bay coast to the Waikaremoana and Ruatahuna districts. Another column was to move from Hawke's Bay to Waikare Lake, and Col. McDonell with the help, and giving due weight to the opinions of the native chiefs, was to dispose the native forces for protection of the Bay of Plenty. Settlers were withdrawn to Maketu. To Topia and Rangihiwinui McLean wrote that the chase after Te Kooti was handed to the Maoris, "because, according to what the chiefs say, the reason for failure was the complication caused by European officers."

For catching or killing Te Kooti the government offered £5000. Ropata Wahawaha would lead the Ngatiporou. Their own chiefs would command the Ngatikahungunu. Topia and Rangihiwinui would lead the Wanganui. On the 4th March, after "making arrangements with the people (the tribes) of this east coast," Rangihiwinui wrote that, with 428 men, he was marching. The Arawa chiefs remonstrated against their work being paid for only on their capture of Te Kooti. Someone else might capture him. One of them said of his tribe: "These children do not approve of this mode of service." Another wrote: "The heart has become sad because of your letter stopping the daily pay. Here is another affliction of ours—having no food. This is the word of the chiefs, that the four shillings a day be again given." McLean answered that other tribes had agreed, and that his love for the Arawa would not cease. If they could catch Te Kooti the government would settle with them without trouble. He consented that food should be supplied. True to his word, Ropata started with nearly 400 men from Poverty Bay. The Governor wrote (19th Feb.):

"The march of the loyal chiefs Rangihiwinui and Topia in pursuit of Te Kooti is certainly a remarkable event. In three months they have forced their way, at the head of their clansmen, through the forests and mountains of the central interior, across the entire breadth of this island from Wanganui on the west coast to the Bay of Plenty on the east. Neither the constant guerilla warfare in which they have been engaged, nor the severe trials and hardships which they have encountered, seem to have impaired their zeal and spirit."

Early in March, Rangihiwinui had a skirmish near Opotiki, and made peace with a Uriwera chief, Tamaikowha, who was thought not to have joined Te Kooti. The terms were to be open to all the Uriwera tribes. Ropata, who had expected to meet Rangihiwinui at Maingopowhatu (a celebrated pah in former times, situate on a rock 500 feet high, on a high range in the mountain country), was disconcerted by the peace, though he consented to it. He himself captured all whom he could find —about 50 men, women, and children—with a view to keep them, not as slaves, but as a means of making a durable peace. The captives suffered from cold. He asked for clothing for them, and spades with which to cultivate for food. A raid by Te Kooti, near Opotiki, being reported, Ropata marched thither, meeting Rangihiwinui at Ohiwa. The blow struck by the outlaw was at Opape, eight miles from Opotiki. He had swooped upon it and captured all the Whakatohea natives there, about 200 in number. Most of the young men were away with Rangihiwinui. Mr. McLean wrote that the fate of the prisoners was unknown, but their massacre was apprehended. Col. McDonell and some Maori chiefs threw blame upon Rangihiwinui. He did not discuss the question in official despatches, but, with Topia and a strong force, marched (20th March), before midnight, up the valley of the Opotiki river, crossing over to the Waioeka river, so as to take Te Kooti in flank. On the 24th, he captured several villages and pahs before assailing with 300 men a large pah, Maraetahi, in which (he wrote to McLean) were Hakaraia and Kereopa the eye-eater.

"Having reached the pah, dispositions were made to surround it. The pah was attacked and the prisoners taken by Te Kooti—I mean the people of the Whakatohea—were recovered by us; those who were taken at Opape. Of the Whakatohea there were—males, 57; females, 83; children, 78. Total, 218. Belonging to Te Kooti—males taken alive, 23; females, 38; children, 26. Men killed, 18. Grand total, 323. There were amongst the killed three chiefs—Hakaraia of the Ngaiterangi, Timoti, who commanded the vessel th[illegible] the [illegible] from the Chatham Islands; and Hukopa, a cous[illegible] Kereopa, it was during the confusion that took [illegible] or that which ensued, that he managed to [illegible] W[illegible] men knew him by sight. Na[illegible] well," he added. "This [illegible] long. Writing to Mr. Fox, [illegible]"

Scouts were sent out to discover Te Kooti's position. Ropata, meanwhile, ascending by the rugged Waioeka river to the Maraetahi pah, had surprised a post as he approached Maraetahi, but the inmates fled when one man was shot, and a man and woman were captured. Rangihiwinui and Topia were approaching silently from the rear of the pah, and heard the firing. They intercepted many of the fliers, killing and capturing.

Among the wiles of a Maori leader was a knowledge of human nature. In passing through the Uriwera country Ropata's people captured a woman and child. The woman said her husband was hunting and would soon return. The captors waited. As the huntsman returned, the woman warned him by a loud salutation. He threw away his load, bounded up a precipice, and escaped. Ropata told the Englishman who accompanied his force that the man would follow, "seeking the body or blood of his wife and children." His prophecy was true. At another place five were captured. Two escaped. Ropata was at hand. He quietly moved forward, and having encamped two miles away, sent a picked force to surround the place where the five had been captured. The two refugees would, he said, return to ascertain the fate of their companions. He was right, and the men were captured. Sometimes when the warriors were resting, Ropata incited them to bravery by singing "waiatas," which stirred them as the Spartans were stirred by Tyrtæus, and in which the imagery and lyric force of the Maori tongue went to their hearts like fire. These and other facts were embodied in official reports by Lieut. Porter and a Civil Commissioner (H. T. Clarke) to the Native Department. The latter declared that family jealousies among the Arawa had made him believe previously that a Maori contingent needed European leaders. But with the Ngatiporou and Wanganui the case was entirely different. "Majors Rangihiwinui and Ropata have perfect control over their men, and their orders are strictly carried out. A chief of the Ngaitai, who has been serving under Rangihiwinui ever since the Wanganui came to the Bay of Plenty, told me that he had served under Pakeha colonels and majors, but none of them would compare with Rangihiwinui, adding: 'That is a man of judgment, and one

I would follow to the death.'"[15] Mr. Fox thanked Rangihiwinui and Topia for "quenching the power" of Te Kooti.

As old Waka Nene had mainly built up English influence in 1840, so now in 1869 it may be said that the security of many settlements depended upon Rangihiwinui and Ropata, and the countenance of the Maori king reflected in the conduct of Topia. It was fortunate for the colonists that the chiefs trusted McLean.

The ignominious flight of Te Kooti from the pah at Maraetahi was fatal to him. There he had thought himself safe behind the almost inaccessible gorge of the Waioeka. There he had taken refuge after his rout at Ngatapa. There he had caused a *whare karakia*, a temple for prayer, to be built, and furnished with mats manufactured with great care. There now his atua, or god, was dishonoured and degraded. Ropata discovered that the outlaw had secreted gunpowder in the forest. With prisoners as guides, the chief rooted out 20 quarter-casks of powder and a bag of bullets. Captain Gilbert Mair was with the Arawa contingent, scouring the Kaingaroa plains and Rangitaiki river amid frost and snow. McLean went to Opotiki to consult the chiefs of the victorious expedition. They showed their men suffering from bruises and sores, and wished to return home. Campaigning in winter in mountain snows was hardly to be expected, and McLean consented. He told Rangihiwinui that the peace with the Uriwera was not sanctioned by the government. Some of the Whakatohea chiefs had been suspected of intrigues with Te Kooti. To ward off raids from such a foe they might almost be excused for overtures, and it was a portion only of the tribe which was accused. Many of them had joined the campaign against Te Kooti. Mr. McLean prudently accepted their defence, holding Ropata and other neighbours responsible for them in future.

[15] N.Z. 1870; A. No. 8, B. p. 35. The Wh[illegible]ntrasted the march of the Wanganui men with that of Eur[illegible] were heard far off by the jingling of their pannikins [illegible] the Maoris moved without noise" (H. T. Clark [illegible] quoted *supra*, p. 524, explains in some measu[illegible] constabulary force. In June, 1870, the number [illegible] but by that time the victories of Rangihiwinui a[illegible] State independent of its "[illegible]t servi[illegible]

Frequently in New Zealand some European, after a notable success, wantonly provoked strife. Col. St. John at Opotiki was now the sinner. McLean was not faultless, perhaps, for he took no steps to acquaint Tamaikowha with the views of the government on the terms of peace made with that chief by Rangihiwinui. Tamaikowha informed Rangihiwinui, Topia, and others, including Captain Mair, that the Uriwera tribe accepted the peace, and that there would be no trouble if the land were not invaded. Col. St. John started (24th April) with 50 Whakatohea, to surround Tamaikowha in his sleep, at Wakarae, where he was visiting, and communicating with the Arawa. A dog barked as the circle was contracting, and Tamaikowha, dashing down a precipice, escaped in the darkness. Two of his sons were captured. His uncle, Tepine, was "tomahawked." Such was the narrative sent by Col. St. John to McLean. He wrote boastfully of what he had done. Clarke, the Civil Commissioner, submitted that the action was not judicious. Tamaikowha had not been told that the terms of peace were disapproved by the government. The stealthy attack upon him would be "considered a 'kohuru' (murder), and nothing will convince the natives to the contrary. I think means should have been taken to inform Tamaikowha that Rangihiwinui's truce could not be acknowledged." McLean told the Colonel that he had not adhered to his instructions, which were "to capture Te Kooti if possible." . . . "The course you have taken is not only likely to endanger the safety of the settlements at the Bay of Plenty, but also to impress the natives with the conviction that an act of treachery has been committed by an English officer. I cannot deprecate your action too strongly in this instance, which leaves me no alternative but to remove you from the command at Opotiki." Letters were received from Uriwera chiefs, saying, that the "recent murder" by Col. St. John deterred them from friendliness. The resident magistrate at Tauranga induced friendly chiefs to write letters denouncing the act as unauthorized by the government. He said, however: "From a man of Tamaikowha's well-known ferocity, I fear that the least that can be expected in way of retaliation will be a murder or two on the beach." McLean, meeting some chiefs at

Whakatane, declared that after what had passed, if Tamaikowha would surrender he should not be punished; and eventually, through Ropata's means, Tamaikowha was reconciled.

An expedition marched in May to Lake Waikaremoana, at the head of the Wairoa river, capturing a few prisoners; and Captain Mair from another direction went to Fort Galatea on the Rangitaiki river, where a friendly native induced several chiefs to tender allegiance. One of them had been with Te Kooti for several months, but had left him in disgust, having lost faith in his atua (god). He told the names of the few who clung to the outlaw. A noted hostile chief, Te Waru, had separated from Te Kooti, and was thought to be at Waikaremoana. Te Kooti, meanwhile, was skulking at Te Wera among the fastnesses of the Upper Waioeka. His lair was unknown to his enemies. Even in the hunted savage there lurked some kindly feeling. He returned after his flight, and buried his dead at Maraetahi after the conquerors had disappeared. He was now frowned upon even by the Uriwera. Ropata headed an expedition to the mountains, and returned with 28 prisoners. Amongst them was the husband of a woman captured by Ropata on his previous journey to Opotiki. As Ropata had prophesied, the poor wretch had then followed the captors of his family, and finding at one of Ropata's camps some rags which had belonged to his children, was found wearing them round his neck. Ropata was kind to prisoners, as he had stipulated that he should be permitted to be, and several surrendered in consequence of letters sent to them by him. Forty-two of the Uriwera gave themselves up on the 7th June, and on the same day Mr. Hamlin, at Waikaremoana with friendly natives, crossed the lake and occupied Matuahu, the principal settlement of the enemy. Large stores of potatoes were found there, and Mr. Hamlin destroyed potatoes enough to feed "a thousand men for fifteen months."

Th[illegible]lered robbers meanwhile lurked in frost and [illegible] for scanty sustenance—living, it was said, on [illegible] fern [illegible] Several Uriwera chiefs sur-[illegible] (Hapurona) Mr. Clarke [illegible] Te Kooti, Kereopa, and

one or two other murderers, all lives would be spared. Hapurona's manner proved that fear of confiscation of land was intense among the Uriwera. Mr. Clarke wrote: "With respect to your lands, the government will not hold them. The confiscated block will not now be extended. Respecting Tamaikowha, the peace of Rangihiwinui will be acknowledged if he will come out, and there will be no thought towards him on account of his alleged crime. Do not think about Tepine (the chief tomahawked under Colonel St. John), the government disapprove of the death of that man." It is the strong man who is bold enough to confess to a wrong, and thus disarm complaint or diminish distrust. Mr. McLean's candour was not unrewarded. More of the Uriwera surrendered. Six of them, as the winter hardened, were found dead in the snow. It was resolved to withdraw the force from Waikaremoana to Wairoa, carrying back the captives, and making the lake so desolate and foodless that none could dwell on its borders. As the Uriwera held aloof from Te Kooti, operations could be continued against him without endangering Hapurona's efforts to induce his countrymen to surrender.

In June, occasion was taken to present to Ropata, Rangihiwinui, and Mokena Kohere, then in Wellington, the swords sent to them by the Queen. Rangihiwinui returned to his own place. He and Topia received payment for their followers at the rate of four shillings a day. For less than £15,000 they had done successfully what an enormous expenditure under others had failed to do. It would be difficult to exaggerate the merits of their companion, Ropata Wahawaha. He took the field again in the end of July. At Opotiki he negotiated again for the peaceful surrender of the Uriwera. He urged that the Uriwera prisoners in Wellington should be liberated, in which case the wanderers might surrender. Mr. McLean replied that they should not be hung. Ropata sent a chief, Kawakura, to prevail on Tamaikowha to surrender. He consented, but haughtily said that it would have been better if he who had done him wrong by midnight murder had apologized.

Te Kooti, deserted, weak, and starving, was yet venomous. With about twenty miserable followers he appeared in midwinter (26th July) at Tolago Bay, on the east coast.

As on a previous occasion, he hoped to deceive the Maoris, master them by treachery, and obtain ammunition. A Maori addressed him as Te Kooti. He said, "I am Major Ropata, do not fear." While blandishment was tried in one direction, surprise was attempted in another. Some of the band assaulted a pah in which the coveted gunpowder was supposed to lie, but were beaten off, and the discomfited marauders retreated to the mountains. In an attempt made to surprise Te Kooti (31st July), a woman was caught. She said that there were only twenty-one men and five women left with Te Kooti. Ropata, with seventy men, meanwhile arrived at Tolago Bay, and started (3rd Aug.) on the outlaw's track. Of the prisoners captured at Maraetahi, thirty-four had at this time been tried at Wellington. Thirty were sentenced to death for "levying war against the Queen," two were acquitted for want of proof, and two the Attorney-General declined to prosecute. The sentences of death were commuted to penal servitude. It will not be necessary to trace Ropata's succeeding campaigns, but his diary of a winter journey in 1871 may be quoted:

"9th June. Too slippery to travel. . . . 10th June. The wet might be travelled through if it were not for the biscuit, as both hot and cold water destroy it; however, it is no use talking about the wet, as it is man that has defied the winter. 11th June. Sunday. Started again without taking into consideration that it is Sunday. All that was thought of was the fine weather, so that some portion of the way might be got over, and that, if possible, success might crown our efforts in finding the place where this wretch (Te Kooti) has taken up his abode. . . . 12th June. . . . In speaking about Te Ahimanu, the narration makes it appear a short distance, but when travelled it is a very long road—nothing but climbing hills and going down into valleys; by the time the top of one hill has been gained it is night, and by the time the bottom has been arrived at it is night again. This country is very rough; there is nothing equal to it; and the days are so short that no distance can be travelled before dark. If it were a beach or plain it could be travelled by night, but there is nothing here but cliffs, creeks, hills, bush, fern, and everything that is bad. 13th June. . . . Oh! these troubles. But I and the Ngatiporou will yet seek revenge for these difficulties if we can only come face to face. Perhaps we shall all die from the cold and snow, and the biting wind. No, we will not die from the cold. If we were the offspring of Ruaimoko we might. But [illegible] we are the offspring of Tongia, who thought of [illegible] garment the Pake [illegible]. Thinking of [illegible] ightfulness has descended [illegible] that we only go through [illegible] by those who are in [illegible] No; its magnitude [illegible] be feet. . . ."

(Sir G. Bowen wrote), "he maintained, in the presence of H.R.H. the Duke of Edinburgh and myself, the usual dignified bearing of Maori warriors." He surrendered under the terms of proclamations which guaranteed freedom and land to him. He was never accused of murder. Significant returns[17] were laid before the Assembly. Within the year ending in June, 1869, it appeared that 279 rebels had been killed and 242 wounded. In the succeeding year 116 were killed, 453 were captured, and 361 surrendered. The loss on the side of the government was mainly under Colonels McDonell and Whitmore on the west coast. The Europeans killed in the year ending June, 1869, were 143; the wounded were 101. In the following year there were 12 killed and 26 wounded. Amongst the Maoris slain by the rebels, 57 were killed by Te Kooti at Mohaka, in April, 1869. His ferocity can be explained, but not excused, by the fact that the government had offered a price for his body, dead or alive, had paid £50 for the head of Nikora, and had sanctioned the slaughter in cold blood of every rebel captured at Ngatapa, where no prisoner, wounded or unwounded, was spared.

Before adverting to the meeting of the General Assembly in June, 1870, it may be well to glance at the condition of affairs among the Maoris in the western and northern districts. In Waikato, lands were allotted to "returned rebels" on a scale by which a "man of rank" received 50 acres, his wife 33 acres, and a further portion was allowed for children. When mother and father had both fallen in the war, land was granted to orphans, "in proportion to the rank of their parents." There was peace between the Ngapuhi and Rarawa in the far north. A great assembly (hahunga) to celebrate the removal of the bones of a chief, Arama Karaka, was held at Waima. Three thousand Maoris were present, and 1000 fighting men took part in the customary war-dance. The hosts (Ngapuhi) excluded wines and spirits, but there was munificent provision of food. The Rarawa guests brought presents of food to the Ngapuhi. The ceremony lasted for three days. More than sixty Europeans were hospitably entertained. The crier, in

[17] N. Z. P. P. 1869, A. No. 3, G.; 1870, D. No. 37.

to the Waikato district, but it was not close enough to keep out Te Kooti. From the date of his disaster at Maraetahi, for nearly two years he clung to the mountain fastnesses at the south and west of Opotiki. Neither he nor Kereopa, after the campaigning of Ropata, became a terror in the land. Te Kooti could but crawl unnoticed into the territory of the king. Kereopa dragged out a half-starved existence, spurned even by those in whose mountain-home he was hidden. At last, when Ropata had threatened to build a pah in Uriwera territory unless the tribe would assist in the capture of Kereopa, a band of Ngatiporou laid hands upon the outcast (Nov., 1871) and carried him to Napier. In gaol he attempted to cut his own throat with a knife, but the prison warders averted such a horror in order that he might be lawfully strangled. Tried and convicted, he admitted to the Bishop of Waiapu the justice of his sentence, and was hanged.

From the ghastly sight of the murderer on the gallows, the mind turns with relief.

Rangihiwinui, with other chiefs, pleaded at Wanganui with Sir G. Bowen for the release of prisoners captured by their swords, offering to be responsible for those who might be released. Fifty-eight still remained in Dunedin, and the punishment of Kereopa was allowed to be the signal for their release. McLean counselled it, and went himself to bring them back with distinction. Early in 1872 there was no political prisoner in New Zealand. Though it is needless to narrate in detail the toils of Ropata in the Uriwera mountains, it may be well to mention one of the results. When (Dec., 1870) the Duke of Edinburgh, with Sir G. Bowen, visited Turanga and Maketu, and was escorted by the Arawa to their lakes, Te Waru availed himself of the presence of the Queen's son, and with forty-six followers tendered his submission at Maketu. "Though dejected"

curning our enemies. Let them be destroyed and turned to flight by Thee. Let their counsels be utterly confounded, and their faces be covered with [illegible] [illegible]sion. And when Thou sendest forth Thy Angel to [illegible] to the earth, through Thee also shall all their bones [illegible] Holy Name. Amen.

[illegible] after Mr. Colenso had translated

Topia. It was significant of Mr. Fox's state of mind, that in the Governor's speech the opening of steam communication with the principal port of the United States on the Pacific was dwelt upon as a substantial benefit, while the fact that it "also afforded speedy communication with Great Britain" was mentioned as a minor matter. No allusion was made to the removal of the last body of English troops—the disappearance of the English flag—the silencing of the sounds which reminded Englishmen that the symbol of their country's power was with them. It had been taken from them when they had almost abjectly entreated Earl Granville to delay its departure, and when the Assembly had resolved to provide funds. Colonel Elliot, in February, had sent off the last detachment. After a thankless service, in which they were compelled to fight in wars unjustly provoked by some of their countrymen, the severance had come, and the kindly feelings of man toward man made the parting bitter. At Auckland, Napier, Wanganui, and Taranaki, they were accompanied to the shore with demonstrations of regret at their departure. In March, Mr. Fox summed up his feelings in a lengthy memorandum sent by himself to the New Zealand Commissioners in England, and by the Governor to Earl Granville. The Earl's policy, he said, tended to the disintegration of the empire. "The action of the Imperial government was not only unfriendly, but scarcely reconcilable with any other motive than a desire to drive New Zealand from the empire." If the new policy should be persisted in, ministers were convinced it must create in the minds of colonists "a rankling feeling of alienation from the mother-country," which would be "handed down to the future inhabitants of New Zealand." Before the summoning of the Assembly, Mr. Fox had asked the Governor to send a memorandum (from Fox) to open up direct negotiations with the government of the United States; but Sir G. Bowen proffered no more than to send it to the Secretary of State, through whose good offices it might find its way to its destination. These dilatory pleas (approved by Lord Kimberley) suited ill with Fox's temperament, and his letter found its way into the newspapers. Several public men were said to be inclined to a declaration

of independence. Independence or annexation to the United States were openly spoken of. The London *Spectator* insinuated that but for a sudden change of style at the Colonial Office, and the guarantee accorded to the New Zealand Commissioners for a new loan, separation had become probable. The disappearance of Lord Granville produced a change. Mr. Fox was not anxious during Lord Granville's rule to give prominence in the Governor's speech to the advantage of "speedy communication with Great Britain;" nor were his colleagues in good humour. Vogel and McLean, in telegraphing the "brilliant successes" of Rangihiwinui and Ropata to the Commissioners in England, added: "But for England's desertion we believe we could establish permanent peace." In March, 1870, Fox formally desired that the Panama mail line might be "the commencement of friendly relations" with the United States, and that the American government would "in future be willing to allow the New Zealand government to communicate with them direct in matters affecting the relations between the two countries." The theories of Professor Goldwin Smith and the acts of Earl Granville were apparantly on the high road to success. But McLean's adroit native policy assured the position of the ministry, and reassured the grumblers in the colony.

With the session of 1870 the existing House of Representatives was to close its labours. The Treasurer, Mr. Vogel, determined to avail himself of the majority at the disposal of the government by initiating a new policy. He produced vast piles of financial tables, and proposed to borrow six millions sterling for defence, immigration, public works, and other purposes. By 48 votes against 7 the second reading of the "Defence and Other Purposes Loan Bill" was carried on the 2nd Aug., and by 45 votes against 7 the Immigration and Public Works Loan Bill was carried on the 3rd. Never was the path to debt followed with more unanimity. Railways were to b[illegible] constructed. More loans loomed in t[illegible] ought that 1500 or 1600 miles of [illegible], that with 2½ millions of acres of [illegible] be made; and that ab[illegible] carry out his other [illegible] legula-

tions (such as were never wanting to a projector), which showed that in ten years rapidly-increasing receipts would overbalance expenditure. The Commissioners in England had reported that the Imperial government was willing to guarantee a loan of one million sterling for public works and immigration, which would save £20,000 a year by means of the superiority of a guaranteed to an unguaranteed loan. He proposed to propitiate the provinces by giving to each of them a grant of £2 per head of population. The whole grant would be half-a-million sterling. Otago and Southland would thus obtain £140,000: Auckland, £124,000. The grant was to be diminished gradually till it fell to 30s. per head. Caught with the glitter of the thirty pieces of silver, a majority accepted the bait.

The decline in the character of the representation where a crowd of gold-seekers overwhelm at the polling-booths those who hold a more wholesome and permanent interest in the land was as marked in New Zealand as in Australia. Thousands of men who had taken part in degrading the Legislature of Victoria, now exercised similar influence in the land of the Maoris; and the general toleration extended to the new Treasurer proved that the decay in moral worth had infected large sections of the community. It placed its future at the mercy of a pawnbroker. In him it could find only a prophet whose god was money; but for the time it had discarded from its care the weightier matters which contribute to the welfare of a people. Like a young spendthrift in the hands of a Jew, and bent on a wild career, it trampled on maxims of prudence and ungrateful compunctions of conscience. Mr. Vogel's financial propositions were substantially accepted. Four millions sterling were authorized for immigration and public works, and one million was devoted to defence and other purposes. The provinces secured their portion by a Payments to Provinces Act.

Mr. Fox deserves credit for passing a bill to found the University of New Zealand. On the 20th July, a joint committee of both Houses reported that it was desirable to necessary bill. There were peculiar facilities for appropriestablish the university, and there was no opposition to the ating reserves of land in New Zealand. Grants of 10,000

acres in various places were allotted. Mr. Tancred was elected Chancellor of the University as soon as it was formally constituted, and Mr. Hugh Carleton, Vice-Chancellor. For such posts the new blood of the colony furnished no competitors. Mr. Fitzherbert, Mr. Stafford, and other members of the General Assembly appeared on the list of the governing body. Thus at the very time when it adopted a policy which pointed to money as the τὸ καλόν, the be-all and the end-all of national prosperity, the foundation was laid of a counteracting principle which might recall men's minds to higher purposes. To give their due to those who worship at the shrine of Plutus, they commonly sanction expenditure on that intellectual culture for which they care so little. With vulgar indifference they patronize the knowledge whose behests they disobey. Mr. J. C. Richmond from the Opposition benches carried a series of resolutions declaring the propriety of legislation to provide for the education of the people in all parts of the country. He contemplated school-rates, inspection of schools, and secular instruction by the State combined with facilities for imparting religious instruction out of school-hours and at the charge of parents or friends. A conscience clause was to be maintained in denominational schools subsidized by the State. A resolution to secure the independence of Parliament by excluding place-men and by barring ex-members from offices of emolument for a stated time after vacating their seats was thrown out by a narrow majority, the ministry contending against the curb thus sought to be imposed. Professing purity, they refused to give security against corruption. An attempt to abolish existing provincial boundaries, and divide the colony into two provinces, of which the North Island was to be one, was got rid of by the previous question. The convocation of the assembly at Wellington was not universally consented to. There were some (amongst whom were two of the Fox ministry) who desired that the next session should be held at Auckland. A Representation Bill engrossed serious attention. Fox proposed to confer more members on the Middle Island than on the Northern Island, but after obtaining the assent of the House to general resolutions, referred them to a committee of 20 members for revision. All resistance

on the part of Mr. Stafford was overwhelmed by government majorities, and the Bill was passed. The Maori representation, by four members, was untouched. The other members were fixed at 74. Vote by ballot was enacted in a separate measure. A minority opposed the Immigration and Public Works Bill in the Council, but the second reading was passed by 25 votes against 8. Mr. Mantell, Colonel Whitmore, Colonel Kenny, and Mr. Pharazyn recorded a protest against the measure, because—it would bind the future colonists unfairly, gave too great latitude to the government, and provided no sufficient check upon its acts—afforded no security that the works would be prudently undertaken, be remunerative, or proportioned to the growth of population and revenue—contemplated alienation of extensive tracts of land without conditions as to settlement and occupation, and would therefore restrict the growth of population and of the revenues on which the loan was to be secured—and because, being dangerously vague and speculative, it was calculated to inflict "much misery in the early future, and perhaps shame and disaster in the sequel."

Many such predictions are falsified in colonies, not because the evils they denounced are baseless, but because the spread of population in virgin territories carries with it so many unforeseen advantages that, not by reason, but in spite of legislative blunders the growing community advances. Maugre all ill-treatment colonies often thrive; but, to borrow an illustration from Sydney Smith, their growth no more arises from their treatment than the ruddy cheeks of an urchin in the street are due to his ragged clothes. The protest in the Council did not retard Mr. Vogel. The victories of Ropata, Rangihiwinui, and Topia, and McLean's truce with the Maori king, had lulled apprehensions about native affairs; and mounted on his new battle-horse, the propounder of the borrowing scheme determined to ride off in the flush of success to negotiate in London the loans which had been authorized, and pave the way for a career amongst London brokers.

A bill to provide for the construction of railways authorized under the Immigration and Public Works Act, and the concomitant Loan Act, underwent serious discus-

sion. The Council made alterations, some of which were opposed by the government. The Representatives disagreed with the amendments, and obtained a free conference. Agreement was not arrived at. The Council returned the Bill with a message inquiring whether the Representatives "still insisted upon their objections to the amendments." Mr. Vogel moved that the vote to disagree with the amendments in the bill be rescinded, and by 24 votes against 15 his motion was carried.

Both Houses took up the subject of the Imperial policy towards the colony. A committee of the Council prepared an address to the Queen, "relative to the line of conduct lately pursued by Her Majesty's government towards the colony of New Zealand." It regretted "that a feeling of estrangement and even antagonism towards the colony has been lately manifested by your Majesty's advisers." Earl Granville had rashly and prematurely published unfriendly despatches before the colony could guard against their ill effects. The policy pursued "had raised a belief that there is a desire to drive the colony into separation from the mother-country, which belief has already caused great bitterness of feeling, and is likely to result, if the policy be continued, in lasting enmity." Her Majesty was besought to command ministers to "preserve the integrity of the empire until it shall appear to your Majesty, to the British Parliament, and to the colonists themselves, that it is no longer desirable that New Zealand should continue to be a dependency of the Crown." In the last resort they prayed that a Commission might be sent from England to inquire into their grievances. The Speaker, the Chairman of Committees, and some of those who from early days had been respected by their fellows and honoured by the Crown, were members of the committee, and if there had been no prospect of change the address might have been carried. But kind words of some of Earl Granville's colleagues made their way to New Zealand; the co[illegible] Feather-ston, had been courteously re[illegible] and there was a yearning in men's [illegible] their forefathers. An amen[illegible] expediency of add[illegible] contentment of the [illegible]

the case of New Zealand in the ministerial memoranda which had been sent to England for distribution. Eventually it was resolved, "that in the opinion of this Council the best interests of New Zealand will be consulted by remaining an integral part of the British Empire. That this Council regrets the course adopted by the Home government towards the colony, but as the causes of dispute have been satisfactorily discussed by the Colonial government, and as an indication of a desire to preserve a friendly feeling towards to colony has been made by the Home government, it is undesirable to make any further reference to past misunderstandings." A shorter and less affectionate motion was made in the House of Representatives. Mr. McGillivray moved (30th June): "That this House is of opinion that the Imperial government has failed in its duty to the colony" —and it was not until the 28th July that, after adjourned debates, the motion was withdrawn. At that date the intention of the government to raise loans to pay fixed sums to provinces was known to be acceptable to members and their constituents. The Treasurer wished to go to England with the credit of the colony in his hand, and it would have been irksome if he had been encumbered with Mr. McGillivray's resolution. In debate, Mr. Miller declared that the colonists should address the mother-country in the language of Horace to Mæcenas, and was loudly cheered when he uttered the words: *Non ego perfidum dixi sacramentum.*

Amongst the papers laid before the Assembly in the session of 1870 were letters and despatches which passed between Sir G. Grey and Earl Granville early in the year, respecting the prisoner of war put to death without trial, and other matters. Lord Granville sometimes briefly acknowledged the receipt of Sir G. Grey's letters, and did not notice their contents.

The commissioners saw Lord Granville in January, 1870. They reported that their reception was friendly and courteous. They consulted Lord Napier of Magdala about the employment of Sikhs or Ghoorkas, from which he dissuaded them. They were unable to shake Earl Granville's resolution to recall the 18th Regt., but they induced him to "absolutely disavow any wish on the part of the government to abandon New Zealand, or to bring about separation

between this country and the colony;"—a disavowal which he communicated in a despatch in which he condescended to say that his views respecting the modified recognition of Maori authority, and the extent and consequences of the confiscation policy, might be right or wrong, and that he fully admitted that the decision on such questions rested entirely with the New Zealand government;—an admission to which Mr. Fox retorted that it was much to be regretted that the Earl had so positively published statements which he confessed might be right or wrong, knowing that the publication would seriously embarrass those who, on his own showing, were responsible in the matter. As to the Earl's disavowal of a separate policy, Mr. Fox's colleagues accepted it "as meant to convey the feelings of the time Earl Granville was writing. They cannot suppose that it in the least affects the accumulated evidence from different parts of the world that Her Majesty's ministers previously favoured a policy having for its end a more or less speedy disintegration of the empire. It is gratifying to think that the representations made on behalf of New Zealand may have had some share in leading to this change."

Though sometimes vaguely stared at as if the gazer expected to see them tattooed, the commissioners were welcomed in England, not as foreigners but as fellow-subjects, by distinguished persons. They accepted the proffered guarantee of a loan of one million sterling for immigration and public works as a measure of conciliation which would be deemed in New Zealand "a proof of good-will," and their telegram to that effect (received in those days by ship-carriage from Ceylon) had a soothing effect. Earl Granville trusted that the waiving by the government of certain objections to guarantees of loans would "be received by the colonists of New Zealand as a proof of the deep interest which Her Majesty's government feel in the welfare and prosperity of this [illegible] of the Crown."

A more acceptable proof [illegible] Earl Granville from the Colonial [illegible]

A bill was brought into [illegible] effect to the loan guarar[illegible] accumulating proofs, a[illegible]

Governor congratulated the Assembly "on the friendly feeling towards New Zealand which the commissioners sent to Great Britain to communicate with the Imperial government have succeeded in establishing.,' Mr. Sewell also consented to these amicable phrases. He had returned to New Zealand, and in June, 1870, joined the Fox ministry as Minister of Justice.

The labours of the New Zealand Assembly terminated on the 13th Sept. Amongst other enactments was one which, first brought forward by Mr. R. R. Torrens in Adelaide, commended itself to all Australasian colonies. It simplified the transfer of real property. It swept away the cobwebs clinging to titles and prevented them from again accumulating. The registrar or commissioner of titles having once given a certificate, the title was disburdened of doubt, and conveyances from hand to hand became as easy, to use a favourite simile of the author of the measure, as the transfer of shares in a ship. The principle was greedily accepted by the public. In one or two colonies, where the personal advocacy of Mr. Torrens was wanting, lawyers succeeded in encumbering the enactment with technicalities which he excluded in South Australia, but neither legal nor administrative opposition, however obstinate, could stay the march of the reform. The session produced about a hundred Acts. In all these the influence of the new order of things was reflected. The electoral rolls of 1869 showed that miners' rights or other special qualifications gave more than 20,000, while all other interests in the colony gave less than 37,000 votes for the House of Representatives. The folly and the fate of the colony is to be read in these figures. Wherever the spirit of gambling and recklessness cared to meddle, it was dominant.

In 1870, a question about tariffs distracted, not the colonists, but their rulers. Protective duties in Victoria had caused discussion about tariffs, and about the provision which debarred any Australian colony from imposing differential duties. Intercolonial conferences dealt with the subject in Sydney and Melbourne; and Mr. Vogel, soon after he became Treasurer, represented New Zealand at one of them. When it was found that prohibitive duties cramped commerce their advocates sought a remedy, not by

freedom of intercourse with the world, but by special relaxations favourable to immediate neighbours with whom it seemed absurd to wage restrictive war. The general obligations of the empire in foreign relations were pleaded politely by Earl Kimberley, and were not denied, but it was averred that they ought not to bar the colonies from admitting produce *inter se* free from duty or otherwise.

Stafford's ministry had no sooner resigned than the Governor made a special request that Mr. Stafford, Mr. Fitzherbert, Mr. Hall, Mr. J. C. Richmond, and Colonel Haultain, might receive Her Majesty's permission to retain the title of Honourable. The blazonry of his post was ever congenial to the earl, and he lost no time in conveying Her Majesty's gracious approval of the retention of the title in New Zealand. But unexpected obstacles arose. Some persons thought that New Zealand would be annexed to a great nation whose constitution places titles of nobility under a ban. And, moreover, about the Order of St. Michael and St. George there was a tawdry glitter contrasting strangely with orders honoured among Englishmen. A greater than Lord Granville, Herman Merivale, a scholar and a ripe one, a professor of political economy, had written an article[18] on the re-furbishing of the new colonial order of knighthood. The order, and the manner in which its distinctions were conferred, were calculated to degrade it.

"If I were to affirm broadly," he said, "that the established usage under which the Crown distributes honours on the advice of party leaders at home as well as in the colonies, deadens the public appreciation of these chivalrous rewards, gives them an ineffaceable stain of vulgarity, demoralizes patriotic impulse, tends to lower even the standard of popular respect for the Crown itself, I should doubtless be charged with gross exaggeration. But I should appeal to the judgment of such as will throw aside inveterate prepossessions, and consider the question with impartial philosophy."

If Lord Granville were to succeed in detaching New Zealand from the British Empire, colonists might pause before covering their coats with the last patches of mud sprinkled from the departing wheels of the chariots in which men sat with the liveries of the Queen. Mr. Merivale's censure would have more life than Earl Granville's grace. Stafford and Richmond, noticing that their titles were limited to

[18] "Fortnightly Review," February, 1870. *Vide supra*, pp. 474, 476.

New Zealand, declined the proffered honour. The Governor plied them with persuasions, and they withdrew their refusals rather (they said) than allow him to be placed in a false position. They explained that it was not the local limitation which was objectionable, but the invidious distinction implied, if a permanent honour conferred by the Sovereign on subjects domiciled in England were recognized throughout the empire while a permanent honour conferred on a subject in New Zealand was locally restricted. Lord Kimberley acknowledged Sir G. Bowen's despatch, but did not discuss the question. When, for a few weeks in 1872, Fox and his colleagues lost office, the same request was made on their behalf "in conformity with (what Sir G. Bowen termed) the established practice." It would be difficult to establish a worse practice. In a community gathered together from all lands, adventurers may for a time, by popular professions, obtain popular honours. To make their brief success an established passport to permanent honour may sully the favours of Downing-street, but cannot ennoble the receivers.

At the end of 1870, a different debt of honour was paid in New Zealand. Te Puni, the Ngatiawa patriarch, the protector of the New Zealand Company at Wellington in the days of its weakness, died nearly 90 years old at his residence, Petoni. His last public appearance had been at a *levée* held by the Duke of Edinburgh at Wellington in 1869. The government ordered a funeral at public cost. Members of the ministry were pall-bearers with Maori friends. The Bishop of Wellington read the service. Donald McLean addressed the Maoris in their own tongue, acknowledging the gratitude due by the colonists to Te Puni. The pioneers of English civilization stood, with Maoris, round the grave as the old chief was laid to rest according to the rites of the Church of England, to which he belonged. The volunteer rifles and artillery attended to pay military honours. In due time a special message of sympathy from the Queen was sent to the family and tribe of Te Puni. At the end of 1871, another chief, Taringa Kuri, a Ngatiawa, supposed to be the only remaining Maori who had seen Captain Cook, died at an age computed to exceed 100 years; and Waka Nene, the Ngapuhi chief,

passed away about the same time. Old Maoria, with its representatives, was fading visibly away. The honours paid to Te Puni were rendered before the colonists were again called upon to welcome the Duke of Edinburgh. At Tauranga he was welcomed, with the Governor, by 700 of the Arawa and Ngaiterangi tribes. A chief, who had fought against the English at the Gate Pah, was loud in loyal and figurative congratulations. Thence to Maketu the Prince proceeded, and saw the spot where Maori tradition declares that the Arawa canoe landed the tribe, who, like the Argonauts, took the name of their vessel, but gave a more enduring title to their descendants. They took pride in giving a guard of honour to the son of the Queen; they admired his activity in the journey to the Hot Lakes, and to the matchless terraces of Rotomahana. At Ohinemutu, on their return, they paused on Sunday by the waters of Lake Rotorua. A missionary read the service of the Church of England. A little knot of Englishmen were with the Prince; a large congregation of Maoris repeated the responses and joined in the hymns in their own sonorous language, amidst that lake and mountain scenery, under which irrepressible fires are raging;[19] on a spot renowned in Maori legend, and where, within living memory, human victims had been sacrificed, and cannibal feasts had been held. On the following day, at Maketu, the chief, Te Waru, with forty-six followers, surrendered on the terms offered to him by McLean through the mouth of Ropata Wahawaha. The Duke of Edinburgh was popular with all with whom he came into contact, and his influence may have created a kindly feeling in other minds as well as amongst the Maoris. In a memorandum (30th Dec., 1870), on the subject of colonial defence, in case of war "between Great Britain and any foreign nation," Mr. Fox "reiterated the expression of the loyalty of the colony to the Crown, and of anxiety that it should always be preserved as an integral portion of the empire."

Armed with letters of introduction from the Governor, Mr. Vogel, as Treasurer and Postmaster-General, sailed for America and England to negotiate postal arrangements

[19] [1894. These words, published in 1883, were sadly confirmed by the Tarawera eruption, described in the note at the end of Chapter I.]

with the United States, and arrange in London the financial affairs of New Zealand. The office of Agent-General for New Zealand in London, created by the Public Works and Immigration Act of 1870, was conferred upon Dr. Featherston, who had acted with Mr. Dillon Bell as one of the commissioners in England.

The General Assembly was dissolved by proclamation at the end of 1870. It had been elected for five years in 1866, and was therefore on the eve of effluxion. It remained to be seen whether the electors would disapprove the new scheme of borrowing, or whether the policy of discounting the present by drafts on the future—the bane of many an heir—was to be indorsed. The ballot was for the first time used in New Zealand at the election in 1871. Though no ground of expediency in practice can justify the conversion of a public trust to a private act, the opponents of the ballot in New Zealand, as in other countries, were constrained to admit that it tended to peace and order. The conjuror who had bewitched the colonists thought it wise to be absent; his presence might mar success. The colony, committed to his policy, could hardly repudiate it, while, with common consent, he promoted it abroad. The butcher-claimant of the Tichborne estates, when the mother of the dead heir visited him in Paris, turned his face to the wall and would not speak. The woman was more likely to believe in him in proportion as she saw him less. Recognition being accorded, the rest would follow.

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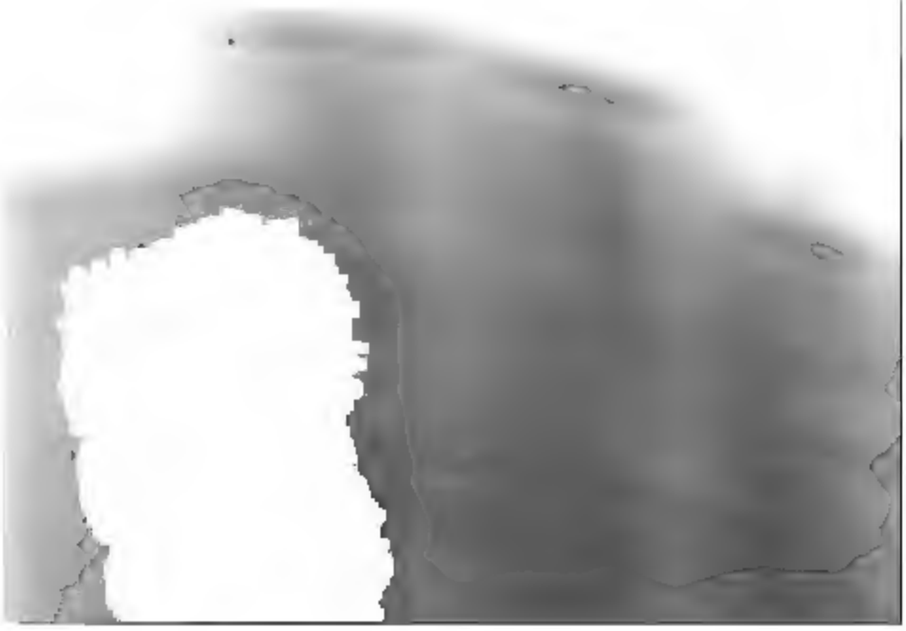

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